A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1873.

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TITLES

OF

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1873.

I. An Act to amend the Burma Courts Act, 1872.

II. for regulating Ferries in British Burma.

III. to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court.

IV. to provide for the appointment of Municipal Committees in the Panjáb, and for other purposes.

V. to amend the law relating to Government Savings Banks.

VI. to amend the law relating to the Transhipment of Goods imported by Steamer, and for other purposes.

VII. for the levy of Port-dues in the Ports of British Burma.

VIII. to regulate Irrigation, Navigation and Drainage in Northern India.

IX. to prolong the law relating to Appeals and Reviews of Judgment in the Panjáb.

X. to consolidate the law relating to Judicial Oaths, and for other purposes.

XI. to provide for the appointment of Municipal Committees in the Central Provinces, and for other purposes.

XII. for the repeal of certain Obsolete Enactments.

XIII. to amend the law relating to Timber floated down the rivers of British Burma.

XIV. to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged.

XV. to make better provision for the appointment of Municipal Committees in the North-Western Provinces and Oudh, and for other purposes.

XVI. to consolidate and amend the law relating to Village and Road Police in the North-Western Provinces.

XVII. An Act to provide for the liquidation of the debts of the Nawáb Názim of Bengal, and for his protection against legal process.

XVIII. to consolidate and amend the law relating to the recovery of Rent in the North-Western Provinces.

XIX. to consolidate and amend the law relating to Land Revenue and the jurisdiction of Revenue Officers in the North-Western Provinces.

XX. to continue certain privileges and immunities now enjoyed by Prince Azím Jah Bahádur, as Prince of Arcot, to his sons on succeeding to the title.

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THE BURMA COURTS' ACT AMENDMENT ACT.

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[*Price two annas and three pies.*]

ACT No. I OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th January 1873).

An Act to amend the Burma Courts' Act, 1872.

WHEREAS it is expedient to amend the Burma Courts' Act, 1872; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Burma Courts' Act Amendment Act": Short title.

It extends only to the territories under the administration of the Chief Commissioner of British Burma: Local extent.

Sections eleven, twelve and thirteen shall come into force at the expiration of two months after the passing of this Act. The rest of this Act shall come into force at once. Commencement.

2. Save as otherwise provided by the Burma Courts' Act, 1872, and by this Act, the Code of Civil Procedure shall be, and shall, on and from the fifth day of April 1872, be deemed to have been, in force throughout British Burma. Code of Civil Procedure applied to Burma.

3. Notwithstanding anything contained in the Code of Civil Procedure, section six, every Deputy Commissioner may direct suits to be instituted in the Courts subordinate to him, according to such rules as to the description of the suits and the amount or value of their subject-matter as he shall from time to time, with the sanction of the Judicial Commissioner, prescribe in this behalf, Power to distribute business.

and may also, with the like sanction, direct the business of the said Courts to be distributed among them in such way as he thinks fit:

provided that no Court shall try any suit where the amount or value of the subject-matter exceeds its proper jurisdiction.

4. Notwithstanding

Language of plaints and record of evidence.

4. Notwithstanding anything contained in the Code of Civil Procedure, sections twenty-six and one hundred and seventy-two, plaints may be written and evidence may be taken down in such language or languages as the Chief Commissioner shall from time to time direct in this behalf.

Appeals to lie from Courts of original jurisdiction.

5. Notwithstanding anything contained in the said Burma Courts' Act, 1872, and subject to any express provision to the contrary contained in any other Act for the time being in force, an appeal shall lie from the decrees and orders of the Courts of original jurisdiction in British Burma to the Courts empowered by the said Act, section eight and section sixty-nine, respectively, to hear appeals from decrees and orders.

All such appeals presented between the fifth day of April 1872 and the passing of this Act, shall be deemed to have been presented under this section.

Appeals to Special Court.

6. In the interval between the presentation of an appeal, under section sixty-nine of the said Burma Courts' Act, 1872, and the hearing thereof by the Special Court, the appeal and all applications relating thereto shall be dealt with by the Judicial Commissioner as if it were an appeal presented in his own Court.

Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

7. For the purposes of the Court Fees' Act, 1870, the said Special Court shall be deemed to be a High Court in the exercise of its jurisdiction as a Court of Appeal or as a Court of Reference, as the case may be.

For the purposes of the Indian Limitation Act, 1871, appeals and applications to the said Special Court shall be deemed to be, respectively, appeals and applications to a High Court under the Code of Civil Procedure or under the Code of Criminal Procedure, as the case may be.

Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

8. When the civil appellate jurisdiction of any Commissioner has, under section twenty-nine of the Burma Courts' Act, 1872, been transferred to the Judicial Commissioner,

(*a.*) all petitions and other documents presented to the Judicial Commissioner in the exercise of the jurisdiction

jursidiction so transferred shall, for the purposes of the Court Fees' Act, 1870, be deemed to have been presented to the Commissioner:

(*b.*) and all appeals and applications presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Indian Limitation Act, 1871, be deemed to have been presented to him in the exercise of his ordinary jurisdiction.

Power to call for record.

9. In any case in which a Court of first appeal has, in the opinion of the Judicial Commissioner, wrongly refused to submit a statement under section thirty-five of the Burma Courts' Act, 1872,

the Judicial Commissioner may call for the record of the case,

and may, on receipt of such record, proceed to try the case as if it were an appeal instituted in his own Court.

And in any case in which a Court of first appeal has submitted such a statement, but, in the opinion of the Judicial Commissioner, the statement is unduly limited, or justice cannot be done without re-hearing the case,

the Judicial Commissioner may proceed to try the case as if it were an appeal instituted in his own Court.

The Judicial Commissioner shall send the Court of first appeal a copy of his judgment in any case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

Amendment of Act VII of 1872, section 35.

10. To section thirty-five of the said Act, the following words shall be added: "and a certified copy of such reasons shall, on application to the Court, be furnished to any party to the suit."

Licensing of advocates.

11. No person shall be permitted to appear, plead or act as the advocate of any suitor, or of any appellant, complainant or accused person, in the Court of the Judicial Commissioner, or in any Court, whether civil or criminal, subordinate thereto, unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

The

Rules for their qualification and admission.

The Judicial Commissioner may from time to time make rules for the qualification, admission and enrolment of proper persons to appear, plead or act as aforesaid;

and for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the local official Gazette.

Any person appearing, pleading or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

Saving of agents of Government, suitors, co-suitors, and advocates of High Courts.

12. Notwithstanding anything contained in section eleven or in any rule made thereunder,

any person may appear, plead or act as the agent for the Crown or for the Secretary of State for India in Council,

and any suitor may appear, plead or act on behalf of himself or a co-suitor;

and any person who for the time being is an advocate, vakíl or attorney-at-law of any High Court may appear, plead or act as the advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

And nothing contained in section eleven or in any rule made thereunder shall be deemed to affect the second clause of section 186 of the Code of Criminal Procedure.

Fees liable to taxation.

13. The fees to be received by any advocate, for business done in the Court of the Judicial Commissioner or in any Court subordinate thereto, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

The

The Judicial Commissioner may from time to time make rules regulating the control and taxation of costs in such subordinate Courts.

Saving of certain trials at Maulmain, Rangoon and Akyab.

14. No trial had by the Commissioner or Deputy Commissioner at Courts of Session in the towns of Maulmain, Rangoon and Akyab, shall be deemed to have been invalid merely on the ground that such trial was not by jury.

Office Supdt. of Govt. inting.—No. 332 L. D. 10-1-73.—3,000.

THE BURMA FERRIES ACT, 1873.

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14. Penalties on passengers offending.
15. Penalty for plying within public ferry-course without license.
16. Officers by whom offences are triable.

[*Price two annas and nine pies.*]

ACT No. II of 1873.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 21st January 1873).

An Act for regulating Ferries in British Burma.

WHEREAS it is expedient to regulate the public ferries within the Province of British Burma; It is hereby enacted as follows :— Preamble.

I.—Preliminary.

1. This Act may be called "The Burma Ferries' Act, 1873 :" Short title.

It extends only to the territories under the administration of the Chief Commissioner of British Burma ; Local extent.

And it shall come into force on the passing thereof. Commencement.

II.—Public Ferries.

2. The Chief Commissioner may declare what ferries within any part of British Burma shall be deemed public ferries, and the district in which, for the purposes of this Act, they shall be deemed to be situate, Power to declare and establish public ferries.

and may at any time hereafter establish new ferries, where, in his opinion, they are needed,

and may, from time to time, change the course of any public ferry,

or discontinue any public ferry which he deems unnecessary.

Every such declaration, establishment, change or discontinuance shall be made by notification in the local official Gazette.

3. The

Superintendence of ferries.

3. The immediate superintendence of all public ferries shall, except as hereinafter provided, be vested in the Deputy Commissioner of the district in which they are situate,

and he shall make all necessary arrangements for the supply of boats for such ferries, and for the collection of the authorized tolls leviable thereat.

Management may be vested in local municipality;

4. The Chief Commissioner may direct that any public ferry situated within the limits of a town may be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town,

and proceeds paid into Municipal Fund.

and may further direct that all or any part of the proceeds from such ferry shall be paid into the Municipal Fund of such town,

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

Letting ferry-tolls by auction.

5. The tolls of any public ferry may be put up to public auction for such term not exceeding three years as may be deemed expedient by the Commissioner of the Division in which such ferry is situate, and may be let to the highest bidder.

The lessee shall conform to the rules made under this Act for the management and control of such ferry,

and may be called upon by the officer putting the tolls of the ferry up to auction to give such security for his good conduct and for the punctual payment of the rent as such officer may deem fit.

Such officer may, for sufficient reason duly recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

Power to make rules.

6. Subject to the revision and confirmation of the Chief Commissioner, the Commissioner of each Division shall have power to make rules consistent with this Act—

for the control and the management of all public ferries within his division;

for

for regulating the time and manner in which, and the terms on which, the tolls of such ferries may be let by auction;

for collecting the rents payable for the tolls of such ferries;

and for fixing the limits of the same:

and, when the tolls of a ferry have been let under section five, he shall have power (subject as aforesaid) to make additional rules—

for regulating the number and kinds of boats and their dimensions, and the number of crew for each boat, which the lessee of the tolls will be required to keep;

the hours during which he shall be bound to ply,

and the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in each kind of boat at one trip;

and for the keeping of such boats continually in good condition for the safe conveyance of passengers and property.

The lessee shall make such returns of traffic as the Commissioner may from time to time require.

Private ferry not to ply within certain distance of public ferry without sanction.

7. No person shall, except with the sanction of the officer charged with the management of a public ferry, keep a ferry-boat for the purpose of plying for hire within the limits of such public ferry.

Nothing hereinbefore contained shall prevent persons plying between two places, one of which is without and one within the said limits, or apply to boats which the Chief Commissioner expressly exempts from the operation of this section.

III.—Tolls.

Tolls.

8. Tolls, according to such rates as are from time to time fixed by the Chief Commissioner, shall be levied on all persons, animals and other things carried by means of any public ferry:

Provided that the Chief Commissioner may, from time to time, declare what persons, animals or other things shall, when employed or transmitted on the public

public service, or for other sufficient reason, be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section five, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the Division with the concurrence of the Chief Commissioner.

Table of tolls.

9. The lessee or other person authorized to collect the tolls of any public ferry, shall affix a table of such tolls, legibly written or printed in the vernacular language, in some conspicuous place near the ferry,

and shall be bound to produce, on demand, a list of the tolls, signed by the Deputy Commissioner or such other officer as he appoints on this behalf.

Tolls or rents to be credited to district fund.

10. All tolls or rents received under this Act shall, except in the cases provided for by section four, be credited to the district fund.

IV.—Penalties.

Penalty for failing to affix, or for removing, &c., table of tolls.

11. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section nine,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce, on demand, the list of the tolls mentioned in section nine,

shall be liable to fine not exceeding twenty rupees.

Penalty for taking unauthorized toll,

12. Every such lessee or other person as aforesaid asking or taking other than the lawful toll,

and for causing delay.

or without due cause delaying any person, animal or other thing,

shall be liable to a penalty not exceeding fifty rupees.

Cancelment of lease on breach of rules.

13. In the event of any breach by a lessee of the tolls of a ferry, of the rules for the management of such ferry made under section six,

the

the Deputy Commissioner may impose upon him a fine not exceeding twenty rupees,

and in that event, or in the event of repeated liability to the penalties respectively provided by sections eleven and twelve,

the Deputy Commissioner may also, with the sanction of the Commissioner of the Division, cancel the lease of the tolls of such ferry and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

Penalties on passengers offending.

14. Every person crossing at any public ferry who refuses to pay the proper toll,

or who, with intent of avoiding payment thereof, fraudulently or forcibly crosses any ferry-station without paying the toll,

or who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act,

shall be liable to fine not exceeding fifty rupees over and above the value of the damage, if any, which he has done.

Penalty for plying within public ferry-course without license.

15. Whoever conveys for hire any passenger, animal, cart, carriage or other vehicle, or any goods or merchandise, to or from any point within the limits assigned to each public ferry, in contravention of the provisions hereinbefore contained, shall be liable to fine not exceeding fifty rupees.

Where the tolls of such ferry have been let under the provisions hereinbefore contained, the whole or any portion of any penalty realized under this section or section fourteen may, at the discretion of the convicting Magistrate or Bench of Magistrates, be paid to the lessee.

Officers by whom offences are triable.

16. All offences against this Act shall be heard and determined by any Magistrate or Bench of Magistrates; and any Magistrate or Bench of Magistrates having summary jurisdiction under chapter XVIII of the Code of Criminal Procedure, shall try such offences in manner provided by that chapter.

Every

Every Magistrate or Bench of Magistrates trying offences under this section may enquire into and assess the value of the damage (if any) done by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine.

Office Supdt Govt Printing —No 397 L. D.—31-1-73.—8,000.

THE MADRAS CIVIL COURTS' ACT, 1873.

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Disposal

[*Price four annas and three pies.*]

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ACT No. III of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st January 1873).

An Act to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court.

WHEREAS it is expedient to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court; It is hereby enacted as follows :— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called "The Madras Civil Courts' Act, 1873": Short title.

It extends to all the territories for the time being under the government of the Governor of Fort St. George in Council, except the Tracts respectively under the jurisdiction of the Agents for Ganjam and Vizagapatam; Local extent.

And it shall come into force on the first day of March 1873. Commencement.

2. On and from that day the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of such schedule. Repeal of enactments.

PART II.

ESTABLISHMENT AND CONSTITUTION OF CIVIL COURTS.

3. The number of District (heretofore designated Zila) Courts to be established or continued under this Act, Number of District Courts.

Act, shall be fixed, and may from time to time be altered, by the Local Government:

Provided that no increase to the number of such Courts shall be made by such Government without the previous sanction of the Governor General in Council.

Number of Subordinate Judges and District Munsifs.

4. The number of Subordinate Judges and District Munsifs to be appointed under this Act for each District, shall be fixed, and may from time to time be altered, by the Local Government:

Provided that no addition to the number of such officers shall be made by such Government without the previous sanction of the Governor General in Council.

Court's locality.

5. The place at which any Court under this Act shall be held may be fixed, and may, from time to time, be altered,

in the case of a District Court or a Subordinate Judge's Court, by the Local Government,

in the case of a District Munsif's Court, by the High Court.

Appointment to vacancy in office of District Judge or Subordinate Judge.

6. Whenever the office of the Judge of a District Court (hereinafter called a 'District Judge') or of a Subordinate Judge under this Act is vacant,

or whenever the Governor General in Council has sanctioned an addition to the number of District Judges or Subordinate Judges under the provisions of section three or section four,

the Local Government shall appoint to the office such duly qualified person as it thinks proper.

Appointment to vacancy in office of District Munsif.

7. Whenever the office of a District Munsif under this Act is vacant,

or whenever the Governor General in Council has sanctioned an addition to the number of District Munsifs under the provisions of section four,

the High Court shall appoint to the office such person as it thinks fit:

Provided that he possesses the qualifications for the time being required by the rules in this behalf which the High Court, with the previous sanction of the Local

Local Government, are hereby empowered to make and alter.

Every appointment made under this section shall be published in the same manner as appointments made by the Local Government.

Publication of appointments.

The Local Government may, for good and sufficient reason, annul any appointment made under this section.

Annulment of appointments.

8. The present Zila Courts, Principal Sadr Amins, and District Munsifs, shall be respectively the first "District Courts," "Subordinate Judges," and "District Munsifs" under this Act.

District Courts, Subordinate Judges, and District Munsifs.

9. Every Court under this Act shall use a seal of such form and dimensions as are, for the time being, prescribed by the Local Government.

Seal of Court.

PART III.

JURISDICTION.

10. The Local Government shall fix, and may from time to time vary, the local limits of the jurisdiction of any District Judge or Subordinate Judge under this Act:

Local limits of jurisdiction of District Court or Subordinate Judge.

Provided that, where more than one Subordinate Judge is appointed to any district, the District Judge may assign to each such Subordinate Judge the local limits of his particular jurisdiction within such district.

Local limits of jurisdiction of each of several Subordinate Judges.

The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to have been fixed under this Act.

11. The High Court shall fix, and may from time to time modify, the local jurisdiction of District Munsifs.

Local jurisdiction of District Munsifs.

12. The jurisdiction of a District Judge or a Subordinate Judge extends, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Jurisdiction of District Judge or Subordinate Judge in original suits.

The jurisdiction of a District Munsif extends to all like suits and proceedings, not otherwise exempted from his cognizance, of which the amount or value of the

Jurisdiction of District Munsif.

the subject-matter does not exceed two thousand five hundred rupees.

Appeals from decrees of District Courts.

13. Regular or special appeals, ~~or appeals under Madras Regulation XI of 1832, section nine~~, shal when such appeals are allowed by law, lie from the decrees and orders of a District Court to the High Court.

Appellate jurisdiction of District Court.

Appeals from the decrees and orders of Subordinate Judges and District Munsifs shall, when such appeals are allowed by law, lie to the District Court, except when the amount or value of the subject-matter of the suit exceeds rupees five thousand, in which case the appeal shall lie to the High Court:

Appellate jurisdiction of Subordinate Judge.

Provided that, whenever a Subordinate Judge's Court is established in any District at a place remote from the station of the District Court, the High Court may, with the previous sanction of the Local Government, direct that appeals from the decrees or orders of District Munsifs within the local limits of the jurisdiction of such Subordinate Judge be preferred in the Court of the latter:

Disposal of appeal by District Judge.

Provided also, that the District Judge may remove to his own Court, from time to time, appeals so preferred, and dispose of them himself, or may, subject to the orders of the High Court, refer any appeals from the decrees and orders of District Munsifs, preferred in the District Court, to any Subordinate Judge within the District.

Valuation of suits for immovable property.

14. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Act, be fixed in manner provided by the Court Fees' Act, 1870, section seven, clause v.

Power to require witness or party to make oath or affirmation.

15. Every Court under this Act may require a witness or party to any suit or other proceeding pending in such Court to make such oath or affirmation as is prescribed by the law for the time being in force.

Law administered by Courts to Natives.

16. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

(*a.*) the

Amending Act 12 of 1871

Section 13.—In this section the words an "or appeals under Madras Regulation X section nine" are repealed.

(*a*.) the Muhammadan law in cases where the parties are Muhammadans,

and the Hindú law in cases where the parties are Hindús, or

(*b*.) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*.) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

Judges not to try suits in which they are interested;

17. No District Judge, Subordinate Judge or District Munsif, shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

nor to try appeals from decrees passed by them in other capacities.

No District Judge or Subordinate Judge, shall try any appeal against a decree or order passed by himself in another capacity.

Mode of disposing of such suits and appeals.

When any such suit, proceeding or appeal comes before any such officer, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section six.

Nothing in the last preceding clause of this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

PART IV.

Misconduct of Judges.

Suspension of Judge by Local Government.

18. Any District Judge, Subordinate Judge, or District Munsif may, for any misconduct, be suspended or removed by the Local Government.

19. The

Suspension of Subordinate Judge by High Court.

19. The High Court may, whenever it sees urgent necessity for so doing, suspend a Subordinate Judge pending the orders of the Local Government.

The High Court shall immediately report the circumstances of such suspension,

and the Local Government shall make such order thereon as it thinks fit.

Suspension of District Munsif by High Court. Commission of Inquiry.

20. The High Court may suspend any District Munsif who is alleged to have misconducted himself, or may appoint a commission for enquiring into his alleged misconduct.

Exercise by High Court of powers conferred on Government by Act XXXVII of 1850.

The provisions of Act No. XXXVII of 1850 *(for regulating enquiries into the behaviour of public servants)* shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

On receiving the report of the result of any such enquiry, the High Court may, if it think fit, remove the Munsif from office, or suspend him, or reduce him to a lower grade.

Suspension of District Munsif by District Judge.

21. The District Judge may suspend from office, whenever he sees urgent necessity for so doing, any District Munsif under his control.

Report to High Court.

Whenever a District Judge exercises the power conferred by this section, he shall forthwith send to the High Court a full report of the circumstances of the case, together with the evidence, if any, and the High Court shall make such order thereon as it thinks fit.

PART V.

MINISTERIAL OFFICERS.

Appointment, suspension or removal of Ministerial Officers of District Courts.

22. The Ministerial Officers of the District Courts shall be appointed, and may be suspended or removed, by the Judges of such Courts, whose orders in such matters shall be final.

23. The

23. The Ministerial Officers of the Courts of the Subordinate Judges and District Munsifs shall be appointed, and may be suspended or removed from office, by such Subordinate Judges and District Munsifs, respectively, subject to the approval or confirmation of the District Judge within whose jurisdiction such Courts are situate.

Appointment, &c., of Ministerial Officers of Subordinate Courts.

24. Every appointment under this Part shall be made subject to such rules as the Local Government from time to time prescribes on this behalf.

Rules regulating such appointments.

Every person appointed under this Part shall perform such duties as may from time to time be imposed upon him by the presiding officer of the Court to which he belongs.

Duties of Ministerial Officers.

The present Ministerial Officers of the Courts under this Act shall be deemed to have been appointed under this Part.

Present Ministerial Officers.

PART VI.

MISCELLANEOUS.

25. In the event of the death of the District Judge,

Temporary discharge of duties of District Judge.

or of his being incapacitated by illness or otherwise for the performance of his duties,

or of his absence from the station in which his Court is held,

the senior Subordinate Judge of the District shall, without interruption to his ordinary duties, assume charge of the District Judge's office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like,

and shall continue in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

26. The District Judge, on the occurrence within his district of any vacancy in the office of District Munsif may, pending the orders of the High Court thereon, appoint such person as he thinks fit to act in such office;

District Judge may nominate to vacancy in office of District Munsif.

and

and he shall at once report to the High Court the occurrence of every such vacancy and such appointment.

District Judge to control Civil Courts of District.

27. Subject to the other provisions of this Act and to the rules for the time being in force and prescribed by the High Court in this behalf, the general control over all the Civil Courts under this Act in any District is vested in the District Judge.

Investiture of Subordinate Judge with Small Cause jurisdiction.

28. The Local Government may, by notification in the official Gazette, invest, within such local limits as it shall from time to time appoint,

any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of rupees five hundred,

Investiture of District Munsif with similar jurisdiction.

and any District Munsif with the same jurisdiction up to the amount of rupees fifty,

and may, by like notification, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

Power to invest Small Cause Court Judge with powers of Subordinate Judge.

29. Section fifty-one of Act No. XI of 1865 shall be read as if, for the words "Principal Sudder Ameen," the words "Subordinate Judge" were substituted.

Amendment of Madras Act I of 1868.

Sections one, eight, nine, ten and twelve of Madras Act No. I of 1868 *(for the appointment of a Commissioner for the administration of civil and criminal justice and for the superintendence and collection of the revenues on the Neilgherry Hills)* shall be read as if, for the words 'Civil' and 'Zillah', used therein with reference to a Civil or Zillah Judge or Court, the word 'District' was substituted, and as if, for the words "Principal Sudder Ameen," the words 'Subordinate Judge' were substituted.

But save as provided in this section nothing herein contained shall be deemed to affect the said Madras Act.

Vacation.

30. The High Court may permit the Civil Courts under its control to adjourn from time to time for periods not exceeding in the aggregate two months in each year.

SCHEDULE.

SCHEDULE

[*Referred to in section 2.*]

I—Madras Regulations.

Number and year of Regulation.	Title of Regulation.	Extent of repeal.
Regulation II of 1802 .	A Regulation for establishing and defining the Jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the Trial of Civil Suits in the first instance, in the British Territories immediately subject to the Presidency of Fort St. George.	So much as has not been repealed.
Regulation III of 1802 ..	A Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several zillahs immediately subject to the Presidency of Fort St. George.	The unrepealed part of section seven. The unrepealed part of the first clause of section sixteen.
Regulation XII of 1802..	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature.	So much as has not been repealed.
Regulation III of 1816..	A Regulation for rescinding Regulation VI of 1806, and for authorizing the Courts of Sudder and Foujdarry Adawlut to sanction the occasional Adjournment of the Civil and Criminal Courts under the Presidency of Fort St. George.	So much as has not been repealed.
Regulation VI of 1816...	A Regulation for reducing into one Regulation, the Rules which have been passed regarding the Office of Native Commissioners; for modifying and extending their Powers in the Trial and Decision of Civil Suits; and for authorizing them, under the designation of District Moonsifs, to discharge certain additional Duties.	So much as has not been repealed.
Regulation VII of 1816	A Regulation for authorizing District Moonsifs to assemble District Punchayets for the Adjudication of Civil Suits for Real and Personal Property, without limitation as to Amount or Value,	The whole.

SCHEDULE,—*continued.*

I.—MADRAS REGULATIONS,—*concluded.*

Number and year of Regulation.	Title of Regulation.	Extent of repeal.
	within their respective jurisdictions; and for defining the Powers and Authority to be vested in such District Punchayets.	
Regulation II of 1821 ...	A Regulation for extending the Jurisdiction of the Registers, Sudder Ameens, and District Moonsifs, and for the more effectual checking of Abuses by District Moonsifs.	So much as has not been repealed.
Regulation VII of 1827.	A Regulation for constituting the Office of Native Judge.	The whole.
Regulation II of 1828 ...	A Regulation for improving the Administration of Justice by District Moonsifs, in certain respects.	So much as has not been repealed.
Regulation I of 1829 ...	A Regulation for amending the Rules in force relative to the Trial of Appeals and for the better securing of Impartiality in the Administration of Justice.	So much as has not been repealed.
Regulation III of 1833...	A Regulation for conferring upon Sudder Ameens jurisdiction in Criminal Cases, and for extending the Civil Jurisdiction of Registers, Sudder Ameens, and District Moonsifs.	So much as has not been repealed.

II.—ACTS.

Number and year of Act.	Title of Act.	Extent of repeal.
Act No. VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	The whole Act, except sections twenty-six, forty-four and forty-seven.

SCHEDULE,—*concluded.*

II.—ACTS,—*concluded.*

Number and year of Act.	Title of Act.	Extent of repeal.
Act No. IX of 1844 ...	An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.	So much as has not been repealed.
Madras Act No. IV of 1863.	An Act for investing certain Courts in the Presidency of Fort St. George, either wholly or in part, with the jurisdiction exercised by Courts of Small Causes established under Act XLII of 1860.	The whole.
Madras Act No. I of 1865.	An Act to provide for the alteration of the stations of Zillah Courts and limits of Districts or Zillahs in the Madras Presidency.	The whole Act, except so much of section one as empowers the Governor in Council of Fort St. George to alter the limits of existing districts.

Office Supdt. Govt. Printing,—No. 398, L. C.—31-1-73.—5,000

THE PANJAB MUNICIPAL ACT, 1873.

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[*Price three annas and three pies.*]

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ACT No. IV of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st January 1873).

An Act to provide for the appointment of Municipal Committees in the Panjáb, and for other purposes.

Preamble.

WHEREAS it is expedient to provide for the appointment of Municipal Committees in towns in the Panjáb, and for police, conservancy, local improvements, and education in such towns, and for the levying of rates and taxes therein; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Panjáb Municipal Act, 1873:"

Local extent.

It extends only to the territories under the government of the Lieutenant Governor of the Panjáb;

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. Act No. XV of 1867 (*to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes*) and Act No. II of 1872 (*to revive and continue the operation of Act XV of* 1867) are repealed; and Act No. XXVI of 1850 (*to enable improvements to be made in towns*) is repealed so far as it affects the Panjáb.

Existing extensions and appointments.

But all extensions and appointments made, and all limits defined, under the said Act No. XV of 1867 shall be deemed to be, respectively, made and defined under this Act. And an extension of any particular provision of Act No. XV of 1867 shall be deemed to be an extension of the corresponding provision of this Act.

And

THE PUNJAB MUNICIPAL ACT, IV OF 1873.

Amendments.	Repeal.
amending act IX of 1891	So far as this Act has not been repealed is now repeale

Existing assessments and bye-laws.

And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

Former proceedings.

And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

"Committee" defined.

3. In this Act "Committee" means a Municipal Committee under this Act.

Power to extend Act to towns.

4. The Local Government may, by notification published in the *Panjáb Gazette*, declare its intention to extend this Act, or any of its provisions, to any town in the said territories.

Objection to such extension.

Any inhabitant of such town objecting to such extension may, within six weeks from the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration.

Procedure thereon.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in its opinion, they are insufficient, may, by like notification, effect the proposed extension.

Power to define limits of towns to which Act extends.

5. For the purposes of this Act, the Local Government may, from time to time, by notification in the *Panjáb Gazette*, declare what shall be deemed to be a town for the purposes of this Act, and define the limits of any town to which this Act has been extended.

II.—Appointment, Duties and Powers of Committees.

Appointment of Committee.

6. In every town to which this Act is extended, the Local Government shall appoint, or cause to be appointed, a Committee consisting of not less than five members.

Such members may be appointed as the Local Government from time to time directs, either *ex officio*, or by nomination, or by election, or some by one and some by any other of such methods:

Provided

Provided that (except with the approval of the Governor General in Council) not less than two-fifths of the members of a Committee shall be persons other than salaried officers of Government.

The Local Government may—

(a) from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them;

(b) determine the time and manner of the election of those members whom it may direct to be appointed by election, and the persons by whom they shall be elected, and generally make such rules as it thinks fit for regulating such election;

(c) appoint the President and Vice-President, or either of them, of any Committee, or authorise any Committee to appoint, by election from their number, such President, or Vice-President, or both.

No appointment under this section, other than the appointment by election of a Vice-President, shall be valid unless and until it is notified in the *Panjáb Gazette.*

Power to levy rates or make assessments.

7. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf,

every Committee intending to impose taxes for the purposes of this Act shall, from time to time, give public notice of such intention, and shall in such notice define the persons or property within the town to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Objection to rates.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the President of the Committee, and the Committee shall take such objection into consideration and report their opinion thereon to the Local Government.

Procedure thereon.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction

sanction of the Local Government, to be notified in the *Panjáb Gazette*, define the persons or property and the amount or rate of the taxes aforesaid, and may then impose such taxes accordingly.

Power to make rules for collection and application of rates.

8. The Local Government may from time to time make rules—

as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed,

and for the collection of such taxes;

and for the safety and due application of them when collected;

and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, in such form as it may think fit.

No tax shall be collected under this Act, until the assessment thereof has been confirmed by the persons and in manner for the time being prescribed by such rules.

Recovery of rates.

9. Rates and arrears of rates imposed under this Act may be recovered as if they were arrears of land-revenue.

Municipal Fund.

10. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

Duties and powers of Committees.

11. Every Committee, so far as the Municipal Fund at their disposal permits, shall, after providing out of such Fund for a police establishment in manner hereinafter mentioned,

keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed clean and repaired;

and

and, generally, may do all acts and things necessary for the construction, repair and maintenance of local public works of general utility;

and may also make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education;

and may also make provision for promoting the public health, safety, comfort and convenience.

Provision for police.

12. Every Committee shall set apart out of the Municipal Fund such sum as the Local Government from time to time requires for the maintenance of the police establishment in the town for which the Committee is appointed.

Power to make rules as to business and officers.

13. Every Committee may make rules for regulating—

the time and place of their meeting;

the conduct of their business;

the division of duties among the members of the Committee;

the duties, salaries, appointment, suspension and removal of the officers and servants of the Committee;

and other similar matters.

Power to make bye-laws.

14. Any Committee may make bye-laws—

(a) for defining, prohibiting and abating nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 *(for the regulation of Police)*:

(b) for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances:

(c) for securing a proper registration of births and deaths;

(d) and for carrying out all or any of the purposes of this Act.

The Committee may, from time to time, repeal, alter or add to any bye-laws made under this section.

15. No

Bye-laws to be confirmed and published.

15. No bye-law, and no alteration or repeal of or addition to a bye-law, shall have effect until it has been confirmed by the Local Government.

All bye-laws made under this Act, and all rules made under section thirteen, and all alterations and repeals of and additions to such bye-laws and rules shall, before coming into force, be published for such length of time, and in such manner, as the Local Government from time to time directs.

Power to enter on private property.

16. The officers of the Committee shall have power to enter upon private property for the detection and abatement of nuisances when the Committee shall, under section fourteen, clause (*b*), have made bye-laws regulating the exercise of such power.

Power to suspend or limit powers of Committees.

17. The Local Government may, by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of their proceedings, rules or bye-laws, and remit or reduce any tax which they have imposed.

III.—Suits by and against Committees.

Suits by and against Committees.

18. Every Committee shall sue and be sued in the name of their President.

Contracts of Committees.

Every contract made on behalf of any Committee in respect of any sum or property exceeding twenty rupees in amount or value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee.

No contract, unless so executed, shall be binding on the Committee on whose behalf it is made.

Liability of members of Committees.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, contracts duly made as aforesaid.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee, to which he has been a party, or which happens through, or is facilitated by, his neglect of his duty;

and

and he shall be liable to be sued for the same in such Court as the Local Government directs as for money due to the Secretary of State for India in Council.

Bar of suit in absence of one month's notice of cause of suit.

19. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done, or purporting to be done, under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intended plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the right to sue and not afterwards.

And if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

IV.—Penalties.

Penalty on member or servant of Committee being interested in contracts made with Committee.

20. No member or servant of a Committee shall be interested, directly or indirectly, in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees:

Provided that no person, by being a shareholder in, or member of, any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee.

Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

21. Whoever

Penalty for infringement of bye-laws or non-payment of fines.

21. Whoever infringes any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and, in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

Prosecutions.

22. Prosecutions under this Act for infringements of bye-laws may be instituted before any Magistrate by the Committee, or by any person authorized by the Committee in this behalf.

Recovery of fines.

23. Fines imposed under this Act may be recovered in manner provided by the Code of Criminal Procedure.

Office Supdt. Govt. Printing.—No. 400 L. D.—31-1-73—3,200.

THE GOVERNMENT SAVINGS BANKS ACT, 1873.

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[*Price two annas and three pies.*]

ACT No. V of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th January 1873).

An Act to amend the Law relating to Government Savings Banks.

WHEREAS it is expedient to amend the law relating to the payment of deposits in Government Savings Banks; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called "The Government Savings Banks Act, 1873": Short title.

It extends to the whole of British India; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. Act No. XXVI of 1855 *(to facilitate the payment of small deposits in Government Savings Banks to the representatives of deceased depositors)* is hereby repealed. Repeal of Act XXVI of 1855.

3. In this Act— Interpretation-clause.

"Depositor" means a person by whom, or on whose behalf, money has been heretofore, or shall be hereafter, deposited in a Government Savings Bank, and "deposit" means money so deposited: "Depositor." "Deposit."

"Secretary" includes every person empowered to manage a Government Savings Bank; "Secretary."

and "Minor" means a person who has not completed the age of eighteen years. "Minor."

Deposits belonging to the Estates of deceased Persons.

Payment on death of depositor.

4. If a depositor dies, leaving in a Government Savings Bank a sum of money not exceeding one thousand rupees,

and if probate of his will or letters of administration of his estate, or a certificate granted under Act No. XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*, is not produced to the Secretary of such Bank within three months of the death of the said depositor,

the Secretary of such Bank may pay the said sum of money to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased.

Payment to be a discharge.

5. Such payment shall be a full discharge from all further liability in respect of the money so paid:

Saving of right of executor.

But nothing herein contained precludes any executor or administrator, or other representative of the deceased, from recovering from the person receiving the same the amount remaining in his hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration.

Saving of right of creditor.

And any creditor or claimant against the estate of the deceased may recover his debt or claim out of the money paid under this Act, or ~~the said~~ Act No. XXVI of 1855, to any person, and remaining in his hands unadministered, in the same manner and to the same extent as if the latter had obtained letters of administration of the estate of the deceased.

Security for due administration.

6. The Secretary of any such Bank may take such security as he thinks necessary from any person to whom he pays any money under section four for the due administration of the money so paid,

and he may assign the said security to any person interested in such administration.

Power to administer oath.

7. For the purpose of ascertaining the right of the person claiming to be entitled as aforesaid, the Secretary of any such Bank may take evidence on oath or affirmation

affirmation according to the law for the time being relating to oaths and affirmations.

Penalty for false statements.

Any person who, upon such oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of an offence under section one hundred and ninety-three of the Indian Penal Code.

Deposit when excluded in computing Court Fees.

8. Where the amount of the deposit belonging to the estate of a deceased depositor does not exceed one thousand rupees, such amount shall be excluded in computing the fee chargeable, under the Court Fees' Act, 1870, on the probate, or letters of administration, or certificate (if any), granted in respect of his property:

Provided that the person claiming such probate or letters or certificate shall exhibit to the Court authorised to grant the same a certificate of the amount of the deposit in any Government Savings Bank belonging to the estate of the deceased. Such certificate shall be signed by the Secretary of such Bank, and the Court shall receive it as evidence of the said amount.

Act not to apply to deposits belonging to estates of European soldiers or deserters.

9. Nothing hereinbefore contained applies to money belonging to the estate of any European officer, non-commissioned officer, or soldier dying in Her Majesty's service in India, or of any European who, at the time of his death, was a deserter from the said service.

Deposits belonging to Minors.

Payment of deposits to minor or guardian.

10. Any deposit made by, or on behalf of, any minor, may be paid to him personally, if he made the deposit, or to his guardian for his use, if the deposit was made by any person other than the minor, together with the interest accrued thereon.

The receipt of any minor or guardian, for money paid to him under this section, shall be a sufficient discharge therefor.

Legalization of like payments heretofore made.

11. All payments of deposits heretofore made to minors or their guardians by any Secretary of a Government Savings Bank shall be deemed to have been made in accordance with law.

Deposits

Deposits belonging to Lunatics.

Payment of deposits belonging to lunatics.

12. If any depositor becomes insane or otherwise incapable of managing his affairs,

and if such insanity or incapacity is proved to the satisfaction of the Secretary of the Bank in which his deposit may be,

such Secretary may, from time to time, make payments out of the deposit to any proper person,

and the receipt of such person, for money paid under this section, shall be a sufficient discharge therefor.

Where a Committee or Manager of the depositor's estate has been duly appointed, nothing in this section authorizes payments to any person other than such Committee or Manager.

Deposits made by Married Women.

Payment of married women's deposits.

13. Any deposit made by or on behalf of a married woman, or by or on behalf of a woman who afterwards marries, may be paid to her, whether or not the Indian Succession Act, 1865, section four, applies to her marriage; and her receipt for money paid to her under this section shall be a sufficient discharge therefor.

Rules.

Rules regulating certificates under section 8, and payments under section 10, 12 or 13.

14. All certificates under section eight, and all payments under section ten, section twelve or section thirteen, shall be respectively granted and made by the Secretary of the Bank, subject to such rules consistent with this Act as the Governor General in Council may, from time to time, prescribe.

Office Supdt. Govt. Printing,—No. 410 L. D.—4-2-73—3,000.

ACT No. VI of 1873.

Passed by the Governor General of India in Council.

(*Received the assent of the Governor General on the 28th January* 1873).

An Act to amend the Law relating to the Transhipment of Goods imported by Steamer, and for other purposes.

WHEREAS it is expedient to amend the law relating to the transhipment of goods imported by steamer; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Transhipment of Goods Act, 1873": Short title.

It extends to the ports of Calcutta, Madras, Bombay, Karáchi, Aden, Rangoon, Maulmain, Akyab, and to such other British Indian ports as the Governor General in Council may from time to time, by notification in the *Gazette of India*, direct in this behalf; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. Act No. XX of 1867 *(to authorize the transhipment without payment of duty of goods imported into Calcutta, Madras and Bombay by Steamers)* is repealed. But all rules, rates and regulations prescribed under the said Act shall be deemed to have been prescribed under this Act. Repeal of Act XX of 1867.

3. Subject to the provisions hereinafter contained, the chief officer of customs of every port to which this Act extends for the time being may, on application of any person interested as owner, agent, consignee or otherwise in any goods imported by steamer into such port, grant leave to tranship the same without payment of duty at the port of transhipment, and without any security or bond for the due arrival and entry of the goods at the port of destination: Power to permit transhipment without payment of duty.

Provided

[*Price one anna three pies.*]

Proviso.

Provided that such goods have been specially and distinctly manifested or declared at the time of import as for transhipment to some other British Indian or foreign port.

Rules regulating exercise of power.

4. The power conferred by section three shall be exercised subject to such rules as the Local Government may from time to time prescribe by notification in the official Gazette.

Levy of transhipment fee.

5. A transhipment fee on each bale or package of any goods or class of goods transhipped under this Act, may be levied at such rates and under such regulations as the Local Government, with the previous sanction of the Governor General in Council, from time to time prescribes by notification in the official Gazette.

Power to prohibit transhipment.

6. The Governor General in Council may from time to time, by order notified in the *Gazette of India*, prohibit the transhipment, at any specified port or at all ports, of any specified class of goods, or prescribe any special mode of transhipping any specified class of goods, and may, by like notification, cancel such order.

Duty on opium re-exported by sea.

7. Opium imported by sea into any British Indian port may, if the Local Government think fit, but not otherwise, be re-exported by sea from the same port on payment of a duty equal in amount to the fee to which it would have been liable if it had been transhipped at such port.

Act to be read as part of Act VI of 1863.

8. This Act shall be read as part of the Consolidated Customs Act, and shall not be construed as in any respect limiting the power of the customs officers to levy duty or to require such bonds or other securities as are authorized by the same Act.

Office of Supdt. of Govt. Printing.—No. 409 L. D.—3-2-73.—3,000.

ACT No. VII OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th February 1873).

An Act for the levy of Port-dues in the Ports of British Burma.

WHEREAS it is expedient from time to time to bring ports in British Burma under the provisions of Act No. XXII of 1855 (*for the regulation of Ports and Port-dues*) and to make regulations for the levy of dues in such ports without the necessity of passing a new Act for each occasion; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Burma Port-dues Act, 1873": Short title.

It extends only to the ports of British Burma which shall have been declared subject to the said Act No. XXII of 1855: Local extent.

It shall be read with and taken as part of the same Act; To be read with Act XXII of 1855.

And it shall come into force on the first day of March 1873. Commencement.

2. In every case in which the Chief Commissioner of British Burma, with the previous sanction of the Governor General in Council, has declared or hereafter declares any port in British Burma to be subject to the said Act, he may, with the like sanction, by the same Power to declare maximum amount of port-dues leviable in Burma.

[*Price one anna and three pies.*]

same or any subsequent declaration, and notwithstanding anything contained in section forty-one of the said Act, further declare—

(*a*) the maximum amount of dues to be levied in such port,

(*b*) the conditions and modifications under which such dues shall be levied,

and may also from time to time, with the like sanction, vary such maximum amount, conditions and modifications.

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Office Supdt. Govt. Printing,—No. 448 L. D.—14-2-73—3,000.

THE NORTHERN INDIA CANAL AND DRAINAGE ACT, 1873.

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[*Price nine annas and nine pies.*]

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ACT No. VIII of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 11*th February* 1873).

An Act to regulate Irrigation, Navigation and Drainage in Northern India.

Preamble.

WHEREAS, throughout the territories to which this Act extends, the Government is entitled to use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of still water; and whereas it is expedient to amend the law relating to Irrigation, Navigation and Drainage in the said territories; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Northern India Canal and Drainage Act, 1873":

Local extent.

It extends to the territories for the time being respectively under the government of the Lieutenant Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh and the Central Provinces; and applies to all lands whether permanently settled, temporarily settled, or free from revenue;

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of the said schedule.

3. In

Interpretation-clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Canal."

(1) "Canal" includes—

(a) all canals, channels and reservoirs constructed, maintained or controlled by Government for the supply or storage of water;

(b) all works, embankments, structures, supply and escape-channels connected with such canals, channels or reservoirs;

(c) all water-courses as defined in the second clause of this section;

(d) any part of a river, stream, lake or natural collection of water, or natural drainage-channel, to which the Local Government has applied the provisions of Part II of this Act;

"Water-course."

(2) "Water-course" means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government, and all subsidiary works belonging to any such channel;

"Drainage-work."

(3) "Drainage-work" includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, formed or maintained by the Government under the provisions of Part VII of this Act, but does not include works for the removal of sewage from towns;

"Vessel."

(4) "Vessel" includes boats, rafts, timber and other floating bodies;

"Commissioner."

(5) "Commissioner" means a Commissioner of a a Division, and includes any officer appointed under this Act to exercise all or any of the powers of a Commissioner;

"Collector."

(6) "Collector" means the head Revenue Officer of a district, and includes a Deputy Commissioner or other officer appointed under this Act to exercise all or any of the powers of a Collector;

"Canal Officer."

(7) "Canal Officer" means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof;

"Superintending

"Superintending Canal Officer" means an officer exercising general control over a canal or portion of a canal;

"Divisional Canal Officer" means an officer exercising control over a division of a canal;

"Sub-Divisional Canal Officer" means an officer exercising control over a sub-division of a canal.

(8) "District" means a district as fixed for revenue purposes. "District."

4. The Local Government may from time to time declare, by notification in the official Gazette, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed. Power to appoint officers.

All officers mentioned in section three, clause (7), shall be respectively subject to the orders of such officers as the Local Government from time to time directs.

PART II.

Of the Application of Water for public Purposes.

5. Whenever it appears expedient to the Local Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal or drainage-work, Notification to issue when water-supply is to be applied for public purposes.

the Local Government may, by notification in the official Gazette, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

6. At any time after the day so named, any Canal Officer, acting under the orders of the Local Government in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water. Powers of Canal Officer.

7. As

Notice as to claims for compensation.

7. As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places, stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section eight may be made before him.

Damage for which compensation shall not be awarded.

8. No compensation shall be awarded for any damage caused by—

(a) stoppage or diminution of percolation or floods;

(b) deterioration of climate or soil;

(c) stoppage of navigation, or of the means of drifting timber or watering cattle;

(d) displacement of labour.

Matters in respect of which compensation may be awarded.

But compensation may be awarded in respect of any of the following matters:

(e) Stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or under ground, in use at the date of the said notification:

(f) Stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification:

(g) Stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification:

(h) Damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the Indian Limitation Act, 1871, Part IV:

(i) Any other substantial damage, not falling under any of the above clauses *(a)*, *(b)*, *(c)* or *(d)*, and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

In determining the amount of such compensation, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property

property in respect of which compensation is claimed; and where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual nett profits of such property, caused by the exercise of the powers conferred by this Act.

No right to any such supply of water as is referred to in clause (*e*), (*f*) or (*g*) of this section, in respect of a work or channel not in use at the date of the notification, shall be acquired as against the Government, except by grant or under the Indian Limitation Act, 1871, Part IV.

And no right to any of the advantages referred to in clauses (*a*), (*b*) and (*c*) of this section shall be acquired, as against the Government, under the same Part.

Limitation of claims.

9. No claim for compensation for any such stoppage, diminution or damage shall be made after the expiration of one year from such stoppage, diminution or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Enquiry into claims and amount of compensation.

10. The Collector shall proceed to enquire into any such claim, and to determine the amount of compensation, if any, which should be given to the claimant; and sections nine to twelve (inclusive), fourteen and fifteen, eighteen to twenty-three (inclusive), twenty-six to forty (inclusive), fifty-one, fifty-seven, fifty-eight and fifty-nine of the Land Acquisition Act, 1870, shall apply to such enquiries:

Provided that, instead of the last clause of the said section twenty-six, the following shall be read: "The provisions of this section and of section eight of the Northern India Canal and Drainage Act, 1873, shall be read to every assessor in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded."

Abatement of rent on interruption of water-supply.

11. Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of water-supply, in respect of which com-

pensation

pensation is allowed under section eight, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding.

Enhancement of rent on restoration of water-supply.

12. If a water-supply increasing the value of such holding is afterwards restored to the said land, the rent of the tenant may be enhanced, in respect of the increased value of such land due to the restored water-supply, to an amount not exceeding that at which it stood immediately before the abatement.

Such enhancement shall be on account only of the restored water-supply, and shall not affect the liability of the tenant to enhancement of rent on any other grounds.

Compensation when due.

13. All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution or damage complained of,

Interest.

and simple interest at the rate of six per cent. per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same.

PART III.

Of the Construction and Maintenance of Works.

Power to enter and survey, &c.

14. Any Canal Officer or other person acting under the general or special order of a Canal Officer,

may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub-soil;

and make and set up suitable land-marks, level-marks, and water-gauges;

and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected

projected canal under the charge of the said Canal Officer:

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle;

Power to clear land.

and may also enter upon any land, building or water-course on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of such canal:

Power to inspect and regulate water-supply.

Provided that, if such Canal Officer or person proposes to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days' notice in writing of his intention to do so.

Notice of intended entry into houses.

In every case of entry under this section, the Canal Officer shall, at the time of such entry, tender compensation for any damage which may be occasioned by any proceeding under this section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector, and such decision shall be final.

Compensation for damage caused by entry.

15. In case of any accident happening or being apprehended to a canal, any Divisional Canal Officer or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Power to enter for repairs and to prevent accidents.

In every such case, such Canal Officer or person shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the Canal Officer shall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the

Compensation for damage to land.

Local

Local Government had directed the occupation of the lands under section forty-three of the Land Acquisition Act, 1870.

Application by persons desiring to use canal-water.

16. Any persons desiring to use the water of any canal, may apply in writing to the Divisional or Sub-Divisional Canal Officer of the Division or Sub-Division of the canal from which the water-course is to be supplied, requesting such officer to construct or improve a water-course at the cost of the applicants.

Contents of application.

The application shall state the works to be undertaken, their approximate estimated cost, or the amount which the applicants are willing to pay for the same, or whether they engage to pay the actual cost as settled by the Divisional Canal Officer, and how the payment is to be made.

Liability of applicants for cost of works.

When the assent of the Superintending Canal Officer is given to such application, all the applicants shall, after the application has been duly attested before the Collector, be jointly and severally liable for the cost of such works to the extent mentioned therein.

Recovery of amount due.

Any amount becoming due under the terms of such application, and not paid to the Divisional Canal Officer, or the person authorized by him to receive the same, on or before the date on which it becomes due, shall, on the demand of such officer, be recoverable by the Collector as if it were an arrear of land-revenue.

Government to provide means of crossing canals.

17. There shall be provided, at the cost of Government, suitable means of crossing canals constructed or maintained at the cost of Government, at such places as the Local Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands.

On receiving a statement in writing, signed by not less than five of the owners of such lands, to the effect that suitable crossings have not been provided on any canal, the Collector shall cause enquiry to be made into the circumstances of the case, and if he thinks that the statement is established, he shall report

report his opinion thereon for the consideration of the Local Government, and the Local Government shall cause such measures in reference thereto to be taken as it thinks proper.

18. The Divisional Canal Officer may issue an order to the persons using any water-course to construct suitable bridges, culverts or other works for the passage of the water of such water-course across any public road, canal or drainage-channel in use before the the said water-course was made, or to repair any such works.

Persons using water-course to construct works for passing water across roads, &c.

Such order shall specify a reasonable period within which such construction or repairs shall be completed;

If they fail, Canal Officer may construct,

and if, after the receipt of such order, the persons to whom it is addressed do not, within the said period, construct or repair such works to the satisfaction of the said Canal Officer, he may, with the previous approval of the Superintending Canal Officer, himself construct or repair the same;

and if the said persons do not, when so required, pay the cost of such construction or repairs as declared by the Divisional Canal Officer, the amount shall, on the demand of the Divisional Canal Officer, be recoverable from them by the Collector as if it were an arrear of land-revenue.

and recover cost.

19. If any person, jointly responsible with others for the construction or maintenance of a water-course, or jointly making use of a water-course with others, neglects or refuses to pay his share of the cost of such construction or maintenance, or to execute his share of any work necessary for such construction or maintenance, the Divisional or Sub-Divisional Canal Officer, on receiving an application in writing from any person injured by such neglect or refusal, shall serve notice on all the parties concerned that, on the expiration of a fortnight from the service, he will investigate the case; and shall, on the expiration of that period, investigate the case accordingly, and make such order thereon as to him seems fit.

Adjustment of claims between persons jointly using water-course.

Such order shall be appealable to the Commissioner, whose order thereon shall be final.

Any

Recovery of amount found due.

Any sum directed by such order to be paid within a specified period, may, if not paid within such period, and if the order remains in force, be recovered by the Collector, from the person directed to pay the same, as if it were an arrear of land-revenue.

Supply of water through intervening water-course.

20. Whenever application is made to a Divisional Canal Officer for a supply of water from a canal, and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water-course, he shall give notice to the persons responsible for the maintenance of such water-course to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed; and, after making enquiry on such day, the Divisional Canal Officer shall determine whether and on what conditions the said supply shall be conveyed through such water-course.

When such officer determines that a supply of canal-water may be conveyed through any water-course as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal Officer, be binding on the applicant and also on the persons responsible for the maintenance of the said water-course.

Such applicant shall not be entitled to use such water-course until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it, and also such share of the first cost of such water-course as the Divisional or Superintending Canal Officer may determine.

Such applicant shall also be liable for his share of the cost of maintenance of such water-course so long as he uses it.

Application for construction of new water-course.

21. Any person desiring the construction of a new water-course may apply in writing to the Divisional Canal Officer, stating—

(1) that he has endeavoured unsuccessfully to acquire, from the owners of the land through which he desires such water-course to pass, a right to occupy so much of the land as will be needed for such water-course;

(2) that

(2) that he desires the said Canal Officer, in his behalf and at his cost, to do all things necessary for acquiring such right;

(3) that he is able to defray all costs involved in acquiring such right and constructing such water-course.

Procedure of Canal Officer thereupon.

22. If the Divisional Canal Officer considers—

(1) that the construction of such water-course is expedient, and

(2) that the statements in the application are true,

he shall call upon the applicant to make such deposit as the Divisional Canal Officer considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation which he considers likely to become due under section twenty-eight;

and, upon such deposit being made, he shall cause inquiry to be made into the most suitable alignment for the said water-course, and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof, and shall forthwith publish a notice in every village through which the water-course is proposed to be taken, that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Collector of every district in which any part of such land is situate.

Application for transfer of existing water-course.

23. Any person desiring that an existing water-course should be transferred from its present owner to himself, may apply in writing to the Divisional Canal Officer, stating—

(1) that he has endeavoured unsuccessfully to procure such transfer from the owner of such water-course;

(2) that he desires the said Canal Officer, in his behalf and at his cost, to do all things necessary for procuring such transfer;

(3) that he is able to defray the cost of such transfer.

If

Procedure thereupon.

If the Divisional Canal Officer considers—

(a) that the said transfer is necessary for the better management of the irrigation from such water-course, and

(b) that the statements in the application are true,

he shall call upon the applicant to make such deposit as the Divisional Canal Officer considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation that may become due under the provisions of section twenty-eight in respect of such transfer;

and, upon such deposit being made, he shall publish a notice of the application in every village, and shall send a copy of the notice to the Collector of every district, through which such water-course passes.

Objections to construction or transfer applied for.

24. Within thirty days from the publication of a notice under section twenty-two or section twenty-three. as the case may be, any person interested in the land or water-course to which the notice refers may apply to the Collector by petition, stating his objection to the construction or transfer for which application has been made.

The Collector may either reject the petition or may proceed to inquire into the validity of the objection, giving previous notice to the Divisional Canal Officer of the place and time at which such inquiry will be held.

The Collector shall record in writing all orders passed by him under this section and the grounds thereof.

When applicant may be placed in occupation.

25. If no such objection is made, or (where such objection is made) if the Collector over-rules it, he shall give notice to the Divisional Canal Officer to that effect, and shall proceed forthwith to place the said applicant in occupation of the land marked out or of the water-course to be transferred, as the case may be.

Procedure when objection is held valid.

26. If the Collector considers any objection made as aforesaid to be valid, he shall inform the Divisional Canal Officer accordingly; and, if such officer sees fit, he may, in the case of an application under section

tion twenty-one, alter the boundaries of the land so marked out, and may give fresh notice under section twenty-two; and the procedure hereinbefore provided shall be applicable to such notice, and the Collector shall thereupon proceed as before provided.

Procedure when Canal Officer disagrees with Collector.

27. If the Canal Officer disagrees with the Collector, the matter shall be referred for decision to the Commissioner.

Such decision shall be final, and the Collector, if he is so directed by such decision, shall, subject to the provisions of section twenty-eight, cause the said applicant to be placed in occupation of the land so marked out or of the water-course to be transferred, as the case may be.

Expenses to be paid by applicant before receiving occupation.

28. No such applicant shall be placed in occupation of such land or water-course, until he has paid to the person named by the Collector such amount as the Collector determines to be due as compensation for the land or water-course so occupied or transferred; and for any damage caused by the marking out or occupation of such land, together with all expenses incidental to such occupation or transfer.

Procedure in fixing compensation.

In determining the compensation to be made under this section, the Collector shall proceed under the provisions of the Land Acquisition Act, 1870; but he may, if the person to be compensated so desire, award such compensation in the form of a rent-charge payable in respect of the land or water-course occupied or transferred.

Recovery of compensation and expenses.

If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Collector as if it were an arrear of land-revenue, and shall, when recovered, be paid by him to the person entitled to receive the same.

Conditions binding on applicant placed in occupation.

29. When any such applicant is placed in occupation of land or of a water-course as aforesaid, the following rules and conditions shall be binding on him and his representative in interest:—

First.—All works necessary for the passage across such water-course, of water-courses existing previous

to

to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the Divisional Canal Officer.

Second.—Land occupied for a water-course under the provisions of section twenty-two shall be used only for the purpose of such water-course.

Third.—The proposed water-course shall be completed to the satisfaction of the Divisional Canal Officer within one year after the applicant is placed in occupation of the land.

In cases in which land is occupied or a water-course is transferred on the terms of a rent-charge,

Fourth.—The applicant or his representative in interest shall, so long as he occupies such land or water-course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation.

Fifth.—If the right to occupy the land cease owing to a breach of any of these rules, the liability to pay the said rent shall continue until the applicant or his representative in interest has restored the land to its original condition, or until he has paid, by way of compensation for any injury done to the said land, such amount and to such persons as the Collector determines.

Sixth.—The Collector may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation; and if any such rent or compensation be not paid by the applicant or his representative in interest, the Collector may recover the amount, with interest thereon at the rate of six per cent. per annum from the date on which it became due, as if it were an arrear of land-revenue, and shall pay the same, when recovered, to the person to whom it is due.

If any of the rules and conditions prescribed by this section are not complied with,

or

or if any water-course constructed or transferred under this Act is disused for three years continuously,

the right of the applicant, or of his representative in interest, to occupy such land or water-course shall cease absolutely.

30. The procedure hereinbefore provided for the occupation of land for the construction of a water-course shall be applicable to the occupation of land for any extension or alteration of a water-course, and for the deposit of soil from water-course clearances.

Procedure applicable to occupation for extensions and alterations.

PART IV.

Of the Supply of Water.

31. In the absence of a written contract, or so far as any such contract does not extend, every supply of canal-water shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be made by the Local Government in respect thereof.

In absence of written contract, water-supply to be subject to rules.

32. Such contracts and rules must be consistent with the following conditions:—

Conditions as to—

(a). The Divisional Canal Officer may not stop the supply of water to any water-course, or to any person, except in the following cases:—

power to stop water-supply;

(1) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority, and with the previous sanction of the Local Government;

(2) whenever and so long as any water-course is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom;

(3) within periods fixed from time to time by the Divisional Canal Officer:

(b). No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow

claims to compensation in case of failure or stoppage of supply;

flow of water therein, or for maintaining the established course of irrigation which the Divisional Canal Officer considers necessary; but the person suffering such loss may claim such remission of the ordinary charges payable for the use of the water as is authorized by the Local Government;

claims on account of interruption from other causes;

(c). If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector may award to the petitioner reasonable compensation for such loss:

duration of supply;

(d). When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

sale or sub-letting of right to use canal-water;

(e). Unless with the permission of the Superintending Canal Officer, no person entitled to use the water of any canal, or any work, building or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use: Provided that the former part of this clause shall not apply to the use by a cultivating tenant of water supplied by the owner of a water-course for the irrigation of the land held by such tenant:

transfer, with land, of contracts for water;

But all contracts made between Government and the owner or occupier of any immovable property, as to the supply of canal-water to such property, shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place:

No right acquired by user.

(f). No right to the use of the water of a canal shall be, or be deemed to have been, acquired under the Indian Limitation Act, 1871, Part IV, nor shall Government be bound to supply any person with water, except

except in accordance with the terms of a contract in writing.

PART V.

Of Water-rates.

33. If water supplied through a water-course be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified,

Liability when person using unauthorizedly cannot be identified.

the person on whose land such water has flowed if such land has derived benefit therefrom,

or if such person cannot be identified, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such water-course,

shall be liable, or jointly liable, as the case may be, to the charges made for such use.

34. If water supplied through a water-course be suffered to run to waste, and if, after enquiry by the Divisional Canal Officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such water-course shall be jointly liable for the charges made in respect of the water so wasted.

Liability when water runs to waste.

35. All charges for the unauthorized use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste.

Charges recoverable in addition to penalties.

All questions under section thirty-three or section thirty-four shall be decided by the Divisional Canal Officer, subject to an appeal to the head revenue officer of the district, or such other appeal as may be provided under section seventy-five.

Decision of questions under sections 33 and 34.

36. The rates to be charged for canal-water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the Local Government, and such occupiers as accept the water shall pay for it accordingly.

Charge on occupier for water how determined.

A rate so charged shall be called the 'occupier's rate.'

'Occupier's rate.'

37. In

'Owner's rate.'

37. In addition to the occupier's rate, a rate to be called the 'owner's rate' may be imposed, according to rules to be made by the Local Government, on the owners of canal-irrigated lands, in respect of the benefit which they derive from such irrigation.

Amount of owner's rate.

38. The owner's rate shall not exceed the sum which, under the rules for the time being in force for the assessment of land-revenue, might be assessed on such land, on account of the increase in the annual value or produce thereof caused by the canal-irrigation. And for the purpose of this section only, land which is permanently settled or held free of revenue, shall be considered as though it were temporarily settled and liable to payment of revenue.

Owner's rate when not chargeable.

39. No owner's rate shall be chargeable either on the owner or occupier of land temporarily assessed to pay land-revenue at irrigation-rates, during the currency of such assessment.

When occupier is to pay both owner's rate and occupier's rate.

40. If such land is occupied by the owner,

or if it is occupied by a tenant whose rent is not liable to enhancement on the ground that the value of the produce of the land or the productive powers of the land has or have been increased by irrigation,

such owner or tenant shall pay the owner's rate as well as the occupier's rate.

Power to make rules for apportioning owner's rate.

41. In the case of a tenant with a right of occupancy, the Local Government shall have power to make rules for dividing the owner's rate between such tenant and his landlord, proportionately to the extent of the beneficial interest of each in the land.

When owner is to pay owner's rate.

42. If the owner of the land is not the occupier, but has power to enhance the rent of the occupier on the ground that the value of the produce or the productive powers of the land has or have been increased by irrigation;

or if, when the amount of rent was fixed, the land was irrigated from the canal,

the owner shall pay the owner's rate.

43. If

43. If a revision of settlement is a ground for entertaining a suit for the enhancement of rent, the introduction of canal-irrigation into any land shall have the same effect on the landlord's right to re-enhance the rent of a tenant, with a right of occupancy of such land, as if a revision of settlement had taken place, under which the revenue payable in respect of such land had been increased.

Effect of introduction of canal-irrigation on landlord's right to enhance.

44. Where a water-rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, and may be deducted by him from such rents or profits before division, or may be recovered by him from the persons liable to such rate in the manner customary in the recovery of other charges on such rents or profits.

Water-rate by whom payable when charged on land held by several owners.

Recovery of Charges.

45. Any sum, lawfully due under this Part, and certified by the Divisional Canal Officer to be so due, which remains unpaid after the day on which it becomes due, shall be recoverable by the Collector from the person liable for the same as if it were an arrear of land-revenue.

Certified dues recoverable as land-revenue.

46. The Divisional Canal Officer or the Collector may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

Power to contract for collection of canal-dues.

When such agreement has been made, such person may recover such sum by suit as though it were a debt due to him, or an arrear of rent due to him on account of the land, work or building in respect of which such sum is payable, or for or in which the canal-water shall have been supplied or used.

If such person makes default in the payment of any sum collected by him under this section, such sum may be recovered from him by the Collector under section forty-five; and if such sum or any part of it be still due by the said third party, the sum or part so due may be recovered in like manner by the Collector from such third party.

47. The

Lambardárs may be required to collect canal-dues.

47. The Collector may require the lambardár or person under engagement to pay the land-revenue of any estate, to collect and pay any sums payable under this Act by a third party, in respect of any land or water in such estate.

Such sums shall be recoverable by the Collector as if they were arrears of land-revenue due in respect of the defaulter's share in such estate;

and for the purpose of collecting such sums from the subordinate zamíndárs, ryots or tenants, such lambardár or person may exercise the powers, and shall be subject to the rules, laid down in the law for the time being in force in respect to the collection by him of the rents of land or of shares of land-revenue.

The Local Government shall provide

(a) for remunerating persons collecting sums under this section; or

(b) for indemnifying them against expenses properly incurred by them in such collection; or

(c) for both such purposes.

Fines excluded from sections 45, 46, 47.

48. Nothing in sections forty-five, forty-six or forty-seven applies to fines.

PART VI.

OF CANAL-NAVIGATION.

Detainer of vessels violating rules.

49. Any vessel entering or navigating any canal contrary to the rules made in that behalf by the Local Government, or so as to cause danger to the canal or the other vessels therein, may be removed or detained, or both removed and detained, by the Divisional Canal Officer, or by any other person duly authorized in this behalf.

Liability of owners of vessels causing damage.

The owner of any vessel causing damage to a canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Divisional Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the expenses of repairing such damage, or of such removal or detention, as the case may be.

50. Any

50. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner or other person in charge of any vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge due in respect of such vessel.

Recovery of fines for offences in navigating canals.

51. If any charge due under the provisions of this Part in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize and detain such vessel and the furniture thereof, until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

Power to seize and detain vessel on failure to pay charges.

52. If any charge due under the provisions of this Part in respect of any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize such cargo or goods and detain them until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

Power to seize cargo or goods, if charges due thereon are not paid.

53. Within a reasonable time after any seizure under section fifty-one or section fifty-two, the said Canal Officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim be discharged before the day so named.

Procedure for recovery of such charges after seizure.

And if such claim be not so discharged, the said Canal Officer may, on such day, sell the property seized or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale:

Provided

Provided that no greater part of the furniture of any vessel or of any cargo or goods shall be so sold than shall, as nearly as may be, suffice to cover the amount due in respect of such vessel, cargo or goods.

The residue of such furniture, cargo or goods, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

54. If any vessel be found abandoned in a canal, or any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, be left unclaimed for a period of two months, the Divisional Canal Officer may take possession of the same.

The officer so taking possession may publish a notice that, if such vessel and its contents, or such cargo or goods, are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and, if such vessel, contents, cargo or goods be not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls, charges and expenses incurred by the Divisional Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Divisional Canal Officer.

If the Divisional Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold as aforesaid, and the proceeds to be paid into the district treasury, there to be held until the right thereto be decided by a Court of competent jurisdiction.

PART VII.

Of Drainage.

Power to prohibit obstructions or order their removal.

55. Whenever it appears to the Local Government that injury to any land or the public health or public convenience has arisen or may arise from the obstruction

obstruction of any river, stream or drainage-channel, such Government may, by notification published in the official Gazette, prohibit, within limits to be defined in such notification, the formation of any obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or drainage-channel as is comprised within such limits, shall be held to be a drainage-work as defined in section three.

Power to remove obstructions after prohibition.

56. The Divisional Canal Officer, or other person authorized by the Local Government in that behalf, may, after such publication, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal Officer may himself remove or modify the obstruction; and if the person to whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear of land-revenue.

Preparation of schemes for works of improvement.

57. Whenever it appears to the Local Government that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof,

or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Local Government may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

Powers of persons employed on such schemes.

58. The persons authorized by the Local Government to draw up such scheme may exercise all or any

any of the powers conferred on Canal Officers by section fourteen.

Rate on lands benefited by works.

59. An annual rate, in respect of such scheme, may be charged, according to rules to be made by the Local Government, on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable.

Such rate shall be fixed as nearly as possible so as not to exceed either of the following limits :—

(1.) Six per cent. per annum on the first cost of the said works, adding thereto the estimated yearly cost of the maintenance and supervision of the same, and deducting therefrom the estimated income, if any, derived from the works, excluding the said rate :

(2.) In the case of agricultural land, the sum which, under the rules then in force for the assessment of land-revenue, might be assessed on such land on account of the increase of the annual value or produce thereof caused by the drainage-work.

Such rate may be varied from time to time, within such maximum, by the Local Government.

So far as any defect to be remedied is due to any canal, water-course, road or other work or obstruction, constructed or caused by the Local Government or by any person, a proportionate share of the cost of the drainage-works required for the remedy of the said defect shall be borne by such Government or such person as the case may be.

Recovery of rate.

60. Any such drainage-rate may be collected and recovered in manner provided by sections forty-five, forty-six and forty-seven, for the collection and recovery of water-rates.

Disposal of claims to compensation.

61. Whenever, in pursuance of a notification made under section fifty-five, any obstruction is removed or modified,

or whenever any drainage-work is carried out under section fifty-seven,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction or the construction of such work,

may

may be made before the Collector, and he shall deal with the same in the manner provided in section ten.

62. No such claim shall be entertained after the expiration of one year from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Limitation of such claims.

PART VIII.

Of obtaining Labour for Canals and Drainage-works.

63. For the purposes referred to in this Part, the word 'Labourer' includes persons who exercise any handicraft specified in rules to be made in that behalf by the Local Government.

Definition of 'Labourer.'

64. In any district in which a canal or drainage-work is constructed, maintained or projected by Government, the Local Government may, if it thinks fit, direct the Collector

Power to prescribe number of labourers to be supplied by persons benefited by canal.

(*a*) to ascertain the proprietors, sub-proprietors or farmers, whose villages or estates are or will be, in the judgment of the Collector, benefited by such canal or drainage-work, and

(*b*) to set down in a list, having due regard to the circumstances of the district and of the several proprietors, sub-proprietors or farmers, the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such canal or drainage-work when required as hereinafter provided.

The Collector may, from time to time, add to or alter such list or any part thereof.

65. Whenever it apppears to a Divisional Canal Officer duly authorized by the Local Government, that, unless some work is immediately executed, such serious damage will happen to any canal or drainage-work as to cause sudden and extensive public injury,

Procedure for obtaining labour for works urgently required.

and that the labourers necessary for the proper execution thereof cannot be obtained in the ordinary manner

manner within the time that can be allowed for the execution of such work so as to prevent such injury,

the said officer may require any person named in such list to furnish as many labourers (not exceeding the number which, according to the said list, he is liable to supply) as to the said officer seem necessary for the immediate execution of such work.

Every requisition so made shall be in writing, and shall state

(a) the nature and locality of the work to be done,

(b) the number of labourers to be supplied by the person upon whom the requisition is made, and

(*c*) the approximate time for which and the day on which the labourers will be required;

and a copy thereof shall be immediately sent to the Superintending Canal Officer for the information of the Local Government.

The Local Government shall fix, and may from time to time alter, the rates to be paid to any such labourers: provided that such rates shall exceed the highest rates for the time being paid in the neighbourhood for similar work. In the case of every such labourer, the payment shall continue for the whole period during which he is, in consequence of the provisions of this Part, prevented from following his ordinary occupation.

The Local Government may, with the previous sanction of the Governor General in Council, direct that the provisions of this Part shall apply, either permanently or temporarily (as the case may be), to any district or part of a district for the purpose of effecting necessary annual silt-clearances, or to prevent the proper operation of a canal or drainage-work being stopped or so much interfered with as to stop the established course of irrigation or drainage.

Liability of labourers under requisition.

66. When any requisition has been made on any person named in the said list, every labourer ordinarily resident within the village or estate of such person shall be liable to supply, and to continue to supply, his labour, for the purposes aforesaid.

PART IX.

PART IX.

Of Jurisdiction.

67. Except where herein otherwise provided, all claims against Government in respect of anything done under this Act may be tried by the Civil Courts; but no such Court shall in any case pass an order as to the supply of canal-water to any crop sown or growing at the time of such order.

Jurisdiction under this Act of Civil Courts.

68. Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, any such person may apply in writing to the Divisional Canal Officer stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter. And, after such enquiry, he shall pass his order thereon, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who shall thereupon enquire into and pass his order on the said matter.

Settlement of differences as to mutual rights and liabilities of persons interested in water-course.

Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set aside by the decree of a Civil Court.

69. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses, as are conferred on Civil Courts by the Code of Civil Procedure; and every such inquiry shall be deemed a judicial proceeding.

Power to summon and examine witnesses.

PART X.

Of Offences and Penalties.

70. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say,—

Offences under Act.

(1) damages, alters, enlarges or obstructs any canal or drainage-work;

(2) interferes

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under, any canal or drainage-work;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal or drainage-work;

(4) being responsible for the maintenance of a water-course, or using a water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(6) causes any vessel to enter or navigate any canal contrary to the rules for the time being prescribed by the Local Government for entering or navigating such canal;

(7) while navigating on any canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

(8) being liable to furnish labourers under Part VIII of this Act, fails, without reasonable cause, to supply or to assist in supplying the labourers required of him;

(9) being a labourer liable to supply his labour under Part VIII of this Act, neglects, without reasonable cause, so to supply, and to continue to supply, his labour;

(10) destroys or moves any level-mark or water-gauge fixed by the authority of a public servant;

(11) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of a canal or drainage-work contrary to rules made under this Act, after he has been desired to desist therefrom;

(12) violates

(12) violates any rule made under this Act, for breach whereof a penalty may be incurred,

shall be liable, on conviction before a Magistrate of such class as the Local Government directs in this behalf, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both. Penalty.

71. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence. Saving of prosecution under other laws.

72. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence. Compensation to person injured

73. Any person in charge of or employed upon any canal or drainage-work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forthwith before a Magistrate or to the nearest police-station, to be dealt with according to law, any person who, within his view, commits any of the following offences: Power to arrest without warrant.

(1) wilfully damages or obstructs any canal or drainage-work;

(2) without proper authority interferes with the supply or flow of water in or from any canal or drainage-work, or in any river or stream, so as to endanger, damage or render less useful any canal or drainage-work.

74. In this Part the word 'Canal' shall (unless there be something repugnant in the subject or context) be deemed to include also all lands occupied by Government for the purposes of canals, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce, occupied by or belonging to Government, upon such lands. Definition of 'Canal.'

PART XI.

PART XI.

OF SUBSIDIARY RULES.

Power to make, alter and cancel rules.

75. The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules to regulate the following matters :—

(1) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(2) the cases in which, and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3) the persons by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act, shall be done;

(4) the amount of any charge made under this Act;

(5) and generally to carry out the provisions of this Act.

The Local Government may from time to time, with the like sanction, alter or cancel any rules so made.

Publication of rules.

Such rules, alterations and cancelments shall be published in the local official Gazette, and shall thereupon have the force of law.

SCHEDULE.

SCHEDULE.

(See section 2.)

Number and year.	Title.	Extent of repeal.
VII of 1845 ...	An Act for regulating the Levy of Water-rent, Tolls, and Dues on certain Canals for Irrigation and Navigation, constructed by Government in the North-Western Provinces, and for the Protection of the said Canals from Injury.	The whole.
XIV of 1863 ...	An Act to amend Act X of 1859 (to amend the law relating to the Recovery of Rent in the Presidency of Fort William in Bengal).	Section fifteen.
XII of 1866 ...	An Act to provide for the compulsory taking of rights to form and maintain private water-courses from public works of irrigation.	The whole.
XXX of 1871 ...	An Act to regulate Irrigation, Navigation and Drainage in the Panjáb.	The whole.

Office Supdt. Govt. Printing.—No. 449 L. D.—20-2-73.—4,000.

ACT No. IX of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th March 1873).

An Act to prolong the law relating to Appeals and Reviews of Judgment in the Panjáb.

Preamble.

WHEREAS the law relating to appeals and reviews of judgment in the Courts established in the Panjáb has been amended by an Act of which the second section provides that it shall continue in force to the thirtieth day of April 1873: And whereas it is expedient to repeal that Act and to re-enact it without prescribing any period for its continuance; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Panjáb Appeals Act, 1873:"

Extent.

It extends to the territories for the time being under the government of the Lieutenant Governor of the Panjáb;

Commencement.

And it shall come into force at once.

Repeal of Act VII of 1868.

2. Act No. VII of 1868 *(to amend the law relating to Appeals and Reviews of Judgment in the Panjáb)* is repealed.

Appeals when to lie.

3. An appeal shall lie from the decrees of the Courts of original and appellate jurisdiction to the Courts authorized under Act No. XIX of 1865 *(The Panjáb Courts' Act)* and Act No. IV of 1866 *(The Panjáb Chief Court Act)* to hear appeals, except where such decrees are by law declared final.

Code of Civil Procedure to apply to appeals.

4. All appeals falling within the jurisdiction of the Courts established in conformity with the said Acts shall, save as in the said Acts and in this Act is

[*Price one anna and six pies.*]

is otherwise provided, be regulated by the Code of Civil Procedure.

Second regular appeals.

5. If the decision of a Deputy Commissioner or of a Commissioner passed in regular appeal reverse or modify the decision of the Court of original jurisdiction on a point material to the merits of the case, the Commissioner, where the decision shall have been passed on regular appeal by the Deputy Commissioner, and the Chief Court where the decision shall have been passed on regular appeal by the Commissioner, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the Courts below, a further consideration of the case appear to the Commissioner or the Chief Court (as the case may be) requisite for the ends of justice.

Time for presenting appeal.

6. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, accompanied by copies of the judgments of the lower Courts, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, within sixty days if the appeal lie to the Court of a Deputy Commissioner or Commissioner, and within ninety days if the appeal lie to the Chief Court.

The period shall be reckoned from and exclusive of the day on which the judgment and decree appealed against was pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the judgment and decree from which the appeal is made.

Confirmation of decision of lower Court.

7. When a memorandum of appeal, or an application for the admission of a special appeal, has been registered, the Appellate Court may, if it sees fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the lower Court, without sending intimation of the appeal to such Court and without issuing notice to the respondent.

8. The

8. The Chief Court of the Panjáb may, whenever it thinks proper to do so, either on the agreement of the parties to that effect or for purposes of justice, remove and try any appeal falling within the jurisdiction of any Court subject to its superintendence. Chief Court may remove appeals.

9. Any person considering himself aggrieved by a decree of a Court of original jurisdiction from which no appeal shall have been preferred to a superior Court, Review of judgment.

or by a decree of a District or Divisional Court from which no regular or special appeal shall have been admitted by the Chief Court,

or by a decree of the Chief Court from which either no appeal may have been preferred to Her Majesty in Council, or, an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council;

and who, from the discovery of new matter or evidence which was not within his knowledge, or could not have been adduced by him, at the time when such decree was passed, or from any other good or sufficient reason, may be desirous of obtaining a review of the judgment passed against him,

may apply for a review of judgment by the Civil Court which passed the decree, or by any Court to which the business of the former Court has been transferred.

10. Except as hereinbefore provided, the judgments of the Civil Courts established in conformity with the said Acts and with Act No. III of 1868 (*to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár*) shall not be subject to revision. Judgments of Civil Courts subject to revision only as provided by Act.

Office Supdt. Govt. Printing,—No. 509, L.D.—7-3-73.—3,200.

THE INDIAN OATHS ACT, 1873.

CONTENTS.

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3. Saving of certain oaths and affirmations.
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5. Oaths or affirmations to be made by—
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6. Affirmation by Natives or by persons objecting to oaths.
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8. Power of Court to tender certain oaths.
9. Court may ask party or witness whether he will make oath proposed by opposite party.
10. Administration of oath if accepted.
11. Evidence conclusive as against person offering to be bound.
12. Procedure in case of refusal to make oath.
13. Proceedings and evidence not invalidated by omission of oath or irregularity.
14. Persons giving evidence bound to state the truth.
15. Amendment of Penal Code, sections 178 and 181.
16. Official oaths abolished.

Schedule of repealed enactments.

[*Price three annas and three pies.*]

ACT No. X of 1873.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 8th April 1873.)

An Act to consolidate the law relating to Judicial Oaths, and for other purposes.

WHEREAS it is expedient to consolidate the law relating to judicial oaths, affirmations and declarations, and to repeal the law relating to official oaths, affirmations and declarations; It is hereby enacted as follows :— Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Oaths Act, 1873 :" Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty; Local extent.

And it shall come into force on the first day of May 1873. Commencement.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof. Repeal of enactments.

3. Nothing herein contained applies to proceedings before Courts Martial, or to oaths, affirmations or declarations prescribed by any law which, under the provisions of the Indian Councils' Act, 1861, the Governor General in Council has not power to repeal. Saving of certain oaths and affirmations.

II.—Authority to administer Oaths and Affirmations.

4. The following Courts and persons are authorized to administer, by themselves or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the Authority to administer oaths and affirmations.

powers

powers imposed or conferred upon them respectively by law:—

(*a.*) All Courts and persons having by law or consent of parties authority to receive evidence;

(*b.*) The Commanding Officer of any military station occupied by troops in the service of Her Majesty: provided

(1) that the oath or affirmation be administered within the limits of the station, and

(2) that the oath or affirmation be such as a Justice of the Peace is competent to administer in British India.

III.—Persons by whom Oaths or Affirmations must be made.

Oaths or affirmations to be made by—

5. Oaths or affirmations shall be made by the following persons:—

witnesses:

(*a.*) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence:

interpreters:

(*b.*) interpreters of questions put to, and evidence given by, witnesses, and

jurors.

(*c.*) jurors.

Nothing herein contained shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, or necessary to administer to the official interpreter of any Court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

Affirmation by Natives or by persons objecting to oaths.

6. Where the witness, interpreter or juror is a Hindú or Muhammadan,

or has an objection to making an oath,

he shall, instead of making an oath, make an affirmation.

In every other case the witness, interpreter or juror shall make an oath.

IV.—Forms

IV.—Forms of Oaths and Affirmations.

7. All oaths and affirmations made under section five shall be administered according to such forms as the High Court may from time to time prescribe. Forms of oaths and affirmations.

And until any such forms are prescribed by the High Court, such oaths and affirmations shall be administered according to the forms now in use.

Explanation.—As regards oaths and affirmations administered in the Court of the Recorder of Rangoon and the Court of Small Causes of Rangoon, the Recorder of Rangoon shall be deemed to be the High Court within the meaning of this section.

8. If any party to, or witness in, any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the Court may, if it thinks fit, notwithstanding anything hereinbefore contained, tender such oath or affirmation to him. Power of Court to tender certain oaths.

9. If any party to any judicial proceeding offers to be bound by any such oath or solemn affirmation as is mentioned in section eight, if such oath or affirmation is made by the other party to, or by any witness in, such proceeding, the Court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation: Court may ask party or witness whether he will make oath proposed by opposite party.

Provided that no party or witness shall be compelled to attend personally in Court solely for the purpose of answering such question.

10. If such party or witness agrees to make such oath or affirmation, the Court may proceed to administer it, or if it is of such a nature that it may be more conveniently made out of Court, the Court may issue a Commission to any person to administer it, and authorize him to take the evidence of the person to be sworn or affirmed and return it to the Court. Administration of oath if accepted.

11. The

Evidence conclusive as against person offering to be bound.

11. The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

Procedure in case of refusal to make oath.

12. If the party or witness refuses to make the oath or solemn affirmation referred to in section eight, he shall not be compelled to make it, but the Court shall record, as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it, and that he refused it, together with any reason which he may assign for his refusal.

V—Miscellaneous.

Proceedings and evidence not invalidated by omission of oath or irregularity.

13. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

Persons giving evidence bound to state the truth.

14. Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject.

Amendment of Penal Code, sections 178 and 181.

15. The Indian Penal Code, sections 178 and 181, shall be construed as if, after the word "oath," the words "or affirmation" were inserted.

Official oaths abolished.

16. Subject to the provisions of sections three and five, no person appointed to any office shall, before entering on the execution of the duties of his office, be required to make any oath, or to make or subscribe any affirmation or declaration whatever.

SCHEDULE.

SCHEDULE.

(See section 2.)

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
9 Geo. IV, c. 74	An Act for improving the Administration of Criminal Justice in the *East Indies.*	Sections thirty-six and thirty-seven.
3 & 4 Wm. IV, c. 49.	An Act to allow Quakers and Moravians to make Affirmation in all cases where an Oath is or shall be required.	The whole Act, so far as it applies to British India.
3 & 4 Wm. IV, c. 82.	An Act to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.	The whole Act, so far as it applies to British India.
5 & 6 Wm. IV, c. 62.	An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.	The whole Act, so far as it applies to British India
1 & 2 Vic., c. 77	An Act for permitting Affirmation to be made instead of an Oath in certain cases.	The whole Act, so far as it applies to British India.

PART II.—ACTS.

Number and year.	Subject or title.	Extent of repeal.
IX of 1836	Commanding Officer's power to administer Oaths.	The whole.
XXI of 1837	Office Oaths and Declarations	So much as has not been repealed.
V of 1840	An Act concerning the Oaths and Declarations of Hindoos and Mahomedans.	So much as has not been repealed.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Section two.
XV of 1852	An Act to amend the Law of Evidence ...	Section twelve.

Number and year.	Title.	Extent of repeal.
XII of 1856 ...	An Act to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section four.
VII of 1857 ...	An Act for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.	Section two.
XII of 1859 ...	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Sections twelve and fifteen.
XVIII of 1863 ...	An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.	Section nine.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.	Section five.
II of 1869 ...	An Act for the appointment of Justices of the Peace.	Sections seven and eight.
IV of 1871 ...	An Act to consolidate and amend the Laws relating to Coroners.	Section seven, and, in section thirty-eight, the words "and such deputy shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office."
VI of 1871 ...	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in Bengal.	Section thirteen.
VI of 1872 ...	An Act to amend the Law relating to Oaths and Affirmations.	The whole.
XVIII of 1872 ...	An Act to amend the Indian Evidence Act, 1872.	Section twelve.
Bombay Act VI of 1866.	An Act to amend the Law relating to certain Declarations of Office in the Bombay Presidency.	The whole.

PART III.—REGULATIONS.

Number and year.	Title.	Extent of repeal.
Bengal Regulation IV of 1793.	A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	So much of section six as has not been repealed.
Bengal Regulation III of 1803.	A Regulation for receiving, trying, and deciding Suits or Complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much of section seven as has not been repealed, and section eight.
Bengal Regulation IX of 1833.	A Regulation to modify certain Portions of Regulation VII of 1822, and Regulation IV of 1828; to provide for the more speedy and satisfactory Decision of Judicial Questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations; for enforcing the Production of the Village Accounts; for the more extensive Employment of Native Agency in the Revenue Department; and to declare the Intent of Section V, Regulation VII of 1822, touching Claims to Malikana.	Section nineteen.
Madras Regulation I of 1803.	A Regulation for defining the Duties of the Board of Revenue, and for determining the Extent of the Powers vested in the Board of Revenue.	Sections two and three.
Madras Regulation II of 1803.	A Regulation for describing and determining the Conduct to be observed by Collectors in certain cases.	Sections three and four.
Madras Regulation XIV of 1816.	A Regulation for amending and modifying the Rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature.	Section five.
Bombay Regulation VI of 1799.*	A Regulation for enacting the existing Rules for the Collection of the Bombay Customs.	Section two, clause two, from and including the words "Previous to" down to the end of that clause.
Bombay Regulation II of 1827.	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Sections four and fifteen. In section eleven, clause one, the words "who previously to entering on the duties of their offices shall take and subscribe in open Court the oath contained in Appendix B". Appendix B.

* Printed at p. 246 of Clarke's edition of the Bombay Regulations, London, 1851.

Number and year.	Title.	Extent of repeal.
Bombay Regulation XII of 1827.	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	So much of section three, clause five, as has not been repealed.
Bombay Regulation XIII of 1827.	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	So much of section thirty-six, clause two, as has not been repealed.
Bombay Regulation XVI of 1827.	A Regulation defining the Duties of the Collector, and his Powers in regard to Subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in general, throughout the Territories subordinate to Bombay	Section three, and so much of section five as relates to taking oaths.
Bombay Regulation XIX of 1827.	A Regulation for the Presidency, prescribing Rules for the Assessment and Collection of the Land Revenue, and for collecting Taxes on Shops and Stalls, on beating the Battakee or making Proclamation by the Crier, on Country Music, on Wedding Sheds and Places of Public Amusement, on Houses, on Carriages, and on Horses; for causing Individuals who may sell or transfer Houses or Tenements subject to quit or ground rents to give Notice of the same to the Collector; and also for levying Fees in the Court of Petty Sessions and Police Offices.	Section one, clause two; and section six from and including the words "and shall" down to the end. Appendix A.
Bombay Regulation XVIII of 1830.	A Regulation providing for the appointment of a Joint Judge within the Zillah of Poona.	Section two.

Office Supdt. Govt. Printing.—No. 5 LD. .—10-4-73.—3,500.

THE CENTRAL PROVINCES MUNICIPAL ACT, 1873.

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[*Price three annas and three pies.*]

IV.—Penalties.

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ACT No. XI OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th July 1873).

n Act to provide for the appointment of Municipal Committees in the Central Provinces, and for other purposes.

WHEREAS it is expedient to provide for the appointment of Municipal Committees in towns in the Central Provinces, and for police, conservancy, local improvements, and education in such towns, and for the levying of rates and taxes therein; It is hereby enacted as follows:— Preamble.

I.—Preliminary.

1. This Act may be called "The Central Provinces Municipal Act, 1873:" Short title.

It extends only to the territories for the time being under the administration of the Chief Commissioner of the Central Provinces; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. Act No. XV of 1867 *(to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes)*, Act No. XXVI of 1850 *(to enable improvements to be made in towns)*, Act No. XVIII of 1864 *(to provide for the appointment of a Municipal Committee for the city of Lucknow)* and Act No. XXII of 1865 *(to amend Act No. XVIII of 1864)* are repealed so far as they affect the Central Provinces. Repeal of Acts.

But all extensions and appointments made, and all limits defined, under any of the said Acts, shall be deemed to be respectively made and defined under this Act. And an extension of any particular provision Existing extensions and appointments.

sion of Act No. XV of 1867 shall be deemed to be an extension of the corresponding provision of this Act.

Existing assessments and bye-laws.

And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Chief Commissioner, shall be deemed to have been made under this Act.

Former proceedings.

And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

Interpretation-clause.

3. In this Act—

"Chief Commissioner."

"Chief Commissioner" means Chief Commissioner of the Central Provinces; and

"Committee."

"Committee" means a Municipal Committee under this Act.

Power to extend Act to towns.

4. The Chief Commissioner may, by notification published in the *Central Provinces Gazette*, declare his intention to extend this Act, or any of its provisions, to any town in the said territories.

Objection to such extension.

Any inhabitant of such town objecting to such extension may, within six weeks from the date of the said publication, send his objection in writing to the Secretary to the Chief Commissioner, and the Chief Commissioner shall take such objection into consideration.

Procedure thereon.

When six weeks from the said publication have expired, the Chief Commissioner, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in his opinion, they are insufficient, may, by like notification, effect the proposed extension.

Power to define limits of towns to which Act extends.

5. For the purposes of this Act, the Chief Commissioner may, from time to time, by notification in the *Central Provinces Gazette*, declare what shall be deemed to be a town for the purposes of this Act, and define the limits of any town to which this Act has been extended.

II.—Appointment, Duties and Powers of Committees.

Appointment of Committee.

6. In every town to which this Act is extended, the Chief Commissioner shall appoint, or cause to be appointed,

appointed, a Committee consisting of not less than five members.

Such members may be appointed as the Chief Commissioner from time to time directs, either *ex officio*, or by nomination, or by election, or some by one and some by any other of such methods:

Provided that (except with the approval of the Governor General in Council) not less than two-fifths of the members of a Committee shall be persons other than salaried officers of Government.

The Chief Commissioner may—

(a) from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them;

(b) determine the time and manner of the election of those members whom he may direct to be appointed by election, and the persons by whom they shall be elected, and generally make such rules as he thinks fit for regulating such election;

(c) appoint the President and Vice-President, or either of them, of any Committee, or authorise any Committee to appoint, by election from their number, such President, or Vice-President, or both.

No appointment under this section, other than the appointment by election of a Vice-President, shall be valid unless and until it is notified in the *Central Provinces Gazette.*

Power to levy rates or make assessments.

7. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf,

every Committee intending to impose taxes for the purposes of this Act shall, from time to time, give public notice of such intention, and shall in such notice define the persons or property within the town to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Objection to rates.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the President of the Committee, and the Committee shall take such

such objection into consideration and report their opinion thereon to the Chief Commissioner.

Procedure thereon.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction of the Chief Commissioner, to be notified in the *Central Provinces Gazette*, define the persons or property and the amount or rate of the taxes aforesaid, and may then impose such taxes accordingly.

Power to make rules for collection and application of rates.

8. The Chief Commissioner may from time to time make rules—

as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed,

and for the collection of such taxes;

and for the safety and due application of them when collected;

and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, in such form as he may think fit.

No tax shall be collected under this Act, until the assessment thereof has been confirmed by the persons and in manner for the time being prescribed by such rules.

Recovery of rates.

9. Rates and arrears of rates imposed under this Act may be recovered as if they were arrears of land-revenue.

Municipal Fund.

10. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

The Municipal Fund shall, as a rule, be kept in the Government Treasury of the District or in the Bank (if any) to which the Government Treasury business shall have been made over.

But

But in places where there is no such Treasury or Bank, the said fund may, with the previous consent of the Local Government, be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and re-payment on demand of the fund so deposited as the Local Government in each case thinks sufficient.

No disbursement of the Municipal Fund or any part thereof shall be made except under the signature of the President or Vice-President and one other member of the Committee.

Duties and powers of Committees.

11. Every Committee, so far as the Municipal Fund at their disposal permits, shall in the first place

(a) make provision out of such fund for a police establishment in manner hereinafter mentioned;

and shall then

(b) keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed, clean and repaired;

and may then

(c) do all acts and things necessary for the construction, repair and maintenance of local public works of general utility;

(d) make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education;

(e) make provision for promoting the public health, safety, comfort and convenience.

Provision for police.

12. Every Committee shall set apart out of the Municipal Fund such sum as the Chief Commissioner from time to time requires for the maintenance of the police establishment in the town for which the Committee are appointed.

Power to make bye-laws as to business and officers.

13. Every Committee may make bye-laws for regulating—

the time and place of their meeting;

the conduct of their business;

the division of duties among the members of the Committee;

the

the duties, salaries, appointment, suspension and removal of the officers and servants of the Committee; and other similar matters.

Power to make rules.

14. Any Committee may make rules—

(a) for declaring what acts or omissions within the limits of the town shall be considered to be public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 *(for the regulation of Police)*:

(b) for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances:

(c) for securing a proper registration of births and deaths;

(d) and for carrying out all or any of the purposes of this Act.

The Committee may, from time to time, repeal, alter or add to any rules made under this section.

Rules to be confirmed and published.

15. No rule, and no alteration or repeal of or addition to a rule, shall have effect until it has been confirmed by the Chief Commissioner.

All rules made under this Act, and all bye-laws made under section thirteen, and all alterations and repeals of and additions to such rules and bye-laws shall, before coming into force, be published for such length of time, and in such manner, as the Chief Commissioner from time to time directs.

Power to enter on private property.

16. The officers of the Committee shall have power to enter upon private property, for the detection and abatement of nuisances, when the Committee have, under section fourteen, clause *(b)*, made rules regulating the exercise of such power.

Power to suspend or limit powers of Committees.

17. The Chief Commissioner may, by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of their proceedings, rules or bye-laws, and remit or reduce any tax which they have imposed.

III.—Suits

III.—Suits by and against Committees.

18. Every Committee shall sue and be sued in the name of their President.

Suits by and against Committees.

Every contract made on behalf of any Committee in respect of any sum or property exceeding twenty rupees in amount or value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee.

Contracts of Committees.

No contract, unless so executed, shall be binding on the Committee on whose behalf it is made.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, contracts duly made as aforesaid.

Liability of members of Committees.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee, to which he has been a party, or which happens through, or is facilitated by, his neglect of his duty;

and he shall be liable to be sued for the same in such Court as the Chief Commissioner directs as for money due to the Secretary of State for India in Council.

19. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done, or purporting to be done, under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intended plaintiff.

Bar of suit in absence of one month's notice of cause of suit.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the right to sue and not afterwards.

And

And if any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

IV.—Penalties.

Penalty on member or servant of Committee being interested in contracts made with Committee.

20. No member or servant of a Committee shall be interested, directly or indirectly, in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees :

Provided that no person, by being a shareholder in, or member of, any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee.

Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

Penalty for infringement of rules or non-payment of fines

21. Whoever infringes any rule made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and, in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

Prosecutions.

22. Prosecutions under this Act for infringements of rules may be instituted before any Magistrate by the Committee, or by any person authorized by the Committee in this behalf.

Recovery of fines.

23. Fines imposed under this Act may be recovered in manner provided by the Code of Criminal Procedure.

Office Supdt Govt Printing.—No. 6 L. D. 8-8-73.—3,000

ACT No. XII of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th August 1873).

An Act for the Repeal of certain Obsolete Enactments.

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:— Preamble.

1. The enactments described in the schedule to this Act are hereby repealed to the extent mentioned in the third column of the same schedule: Enactments in schedule repealed

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of any thing already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived, by, in, or from any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1873"; and it shall come into force on the passing thereof. Short title. Commencement.

SCHEDULE.

[*Price six annas.*]

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	Subject, Title or abbreviated Title.	Extent of repeal.
7 Jac. I, cap. 5*	Suits against Justices of the Peace and other Officers.	The whole Act, so far as it applies to British India.
21 Jac. I, cap. 12	Making perpetual 7 Jac. I, cap. 5	The whole Act, so far as it applies to British India.
29 Car. II, cap. 3	An Act for prevention of Frauds and Perjuries.	Sections thirteen, fourteen, fifteen, sixteen, seventeen, twenty-two, twenty-three and twenty-four, so far as they apply to British India.†
8 & 9 Wm. III, cap. 11.	An Act for the better preventing frivolous and vexatious suits.	The whole Act, so far as it applies to British India.
24 Geo. II, cap. 44	An Act for the rendering Justices of the Peace more safe in the Execution of their Office; &c.	The whole Act, so far as it applies to British India.
33 Geo. III, cap. 52	An Act for continuing in the East India Company, for a further Term, the Possession, &c.	Section twenty-eight.
42 Geo. III, cap. 85	An Act for the Trying and Punishing in Great Britain Persons holding public employments, for Offences committed abroad, &c.	Section six, so far as it relates to suits in British India.
53 Geo. III, cap. 155.	An Act for continuing in the East India Company, for a further Term, the Possession, &c.	Sections ninety-seven and one hundred and twenty-one, and section one hundred and twenty-three, so far as it relates to suits in British India.
2 & 3 Vic., cap. 34	An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras; &c.	The whole.
3 & 4 Vic., cap. 37	An Act to consolidate and amend the Laws for punishing Mutiny, &c.	Sections forty-three to forty-seven (both inclusive).

* Entitled as of the 7th & 8th Jac. I, in *The Statutes: Revised Edition*, London, 1870.
† The reference is to the sections as printed in *The Statutes: Revised Edition*, London, 1870.

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
VIII of 1836	Bengal—Personal disabilities and privileges.	So much as has not been repealed.
XXII of 1836	Eastern Canal Tolls ...	The whole.
XXV of 1836	Warehousing ports ...	So much as has not been repealed.
XVI of 1837	Custom house ...	So much as has not been repealed.
XXV of 1837	Bengal Judiciary system .	So much as has not been repealed.
XXXII of 1838	Bengal—Justices of the Peace...	So much as has not been repealed.
VII of 1839	Madras Tahsíldárs ...	The first ten words of section two.
I of 1841	Pattídárí estates ...	The whole Act, so far as it applies, or is applicable, to the territories subject to the Lieutenant-Governor of the Panjáb.
XIII of 1841	An Act for explaining the provisions of Act No. XXV of 1836.	So much as has not been repealed.
XVII of 1841	Appeals in Sadr Courts (Bengal)	So much as has not been repealed.
XXIX of 1841	An Act for amending such Parts of the Bengal and Madras Codes as concern the Dismissal of Suits and Appeals for neglecting to proceed in the same.	The whole.
VI of 1843	Jurisdiction and Procedure of the Courts of Amíns and Munsifs.	The whole.
VII of 1843	Madras Courts	Sections twenty-six, forty-four and forty-seven.
XV of 1843	Uncovenanted Deputy Magistrates.	So much as has not been repealed.
XXV of 1843	An Act for making the provisions of 5 & 6 Vic., C. 47, section XI, applicable to India.	So much as has not been repealed.
IX of 1844	Suits in the Courts of Principal Sadr Amíns and Sadr Amíns.	So much as has not been repealed.
I of 1845	Sales of land for arrears of revenue.	The whole Act, so far as it applies to the territories subject to the Lieutenant-Governor of the Panjáb.

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(continued).*

Number and year	Subject, Title or abbreviated Title.	Extent of repeal
III of 1845	An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.	The whole
XIV of 1845	Munsifs (Bengal Presidency) .	The whole.
XVI of 1845	Re-admission of Appeals after Dismissal under Act XXIX of 1841	The whole.
XVII of 1845	Enforcement of the Attendance of Witnesses in the Courts of the Munsifs within the Presidency of Fort William.	The whole.
XIX of 1845	Assam Tea Company ...	The whole
IV of 1846	Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William.	The whole.
XVII of 1847	An Act for remedying a Defect in the Law regarding undiscovered Defaults in the Prosecution of Suits.	The whole.
VII of 1848	Customs duties ...	So much as has not been repealed.
XIII of 1849	An Act to prevent the smuggling of Salt into Calcutta.	The whole.
VIII of 1850	Confirmation of decisions on certain appeals.	The whole.
X of 1850	Aden	The whole.
XV of 1850	An Act to extend the operation of Sections X and XII, Regulation XXVI, 1814, of the Bengal Code.	The whole.
XXXI of 1850	Bombay Salt Revenue	Sections one and two.
XXI of 1852	Bombay Deputy Collectors ...	Section two
XXVI of 1852	Procedure in the Courts of the Sadr Amins and Munsifs in the Presidency of Fort William	The whole.

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(continued)*.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
XXIX of 1852	Circuits of Judicial Commissioners (Bombay).	So much as has not been repealed.
VI of 1853	Summary Suits (Bengal) ...	Section nine.
X of 1853	Amending Act XXII of 1836 ...	The whole.
XV of 1853	Procedure in cases of regular Appeal to the Sadr Courts in the Presidency of Fort William in Bengal.	The whole.
XVI of 1853	Special Appeals	The whole.
IX of 1854	Appeals in the Civil Courts of the East India Company.	The whole.
X of 1855	Evidence	Section nine.
XXIX of 1855	Customs	So much as has not been repealed.
XI of 1856	Desertion	In sections two, five, six and seven the words "Joint Magistrate."
XII of 1856	An Act to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	In section three, the words "with the sanction of the Court of Sudder Dewanny Adawlut," and in section five the first nineteen words, and in section ten the words "under such general directions as may from time to time be prescribed by the Sudder Court."
VII of 1857	Uncovenanted Agency	The whole Act, so far as it relates to Deputy Magistrates.
VI of 1859	Ahmadábád Magistracy	The whole.
XV of 1860	Calcutta Canal ...	The whole.
XVIII of 1863	High Court, Fort William ..	So much of the title and preamble as relates to oaths.
XXIII of 1865	Panjáb Chief Court	The whole.
IV of 1869	Divorce	In section fifty-eight, the words "United" and "and Ireland," and in section fifty-nine the word "United."
X of 1869	Police Superannuation Funds ...	The whole.
IX of 1870	Elphinstone Land Company	The whole.

PART II —ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(continued).*

Number and year	Subject, Title or abbreviated Title.	Extent of repeal
XI of 1870	Weights and Measures ...	The whole.
XII of 1870	Native Passenger Ships ..	Section three, down to and including the words "repealed; and"
XIV of 1870	The Repealing Act, 1870 ..	The whole
XXIII of 1870	Coinage ...	Section two and the schedule
XXV of 1870	Timber duties, Burma	The whole
XXVI of 1870	Prisons ...	Section two and the schedule.
XXVIII of 1870	Commitments from Andamans	Section two
IV of 1871	Coroners ...	Section two and the first schedule.
V of 1871	Prisoners .	Section two and the schedule.
VI of 1871	Bengal Civil Courts ...	Sections two and twenty-three and the schedule
IX of 1871	Limitation	Section two and the first schedule.
X of 1871	Excise... ...	Section two and the schedule.
XIII of 1871	Tariff	Section nine and schedule C.
XX of 1871	Panjáb Local Rates ...	Section one, from and including "inclusive" down to and including "Acts"
XXVI of 1871	Land Improvement Act ...	Section two and the schedule.
XXIX of 1871	Bengal Regulations Repeal .	The whole.
XXXIII of 1871	Panjáb Land Revenue ...	Section sixty-three and the second paragraph of section sixty-seven
XI of 1872	Foreign Jurisdiction and Extradition.	Section two and the first schedule.
XVII of 1872	Postponement of Act X of 1872	The whole.
XXIV of 1872	Repealing Bombay Regulation XIII of 1827, section 34, clause 9.	The whole.
III of 1873	An Act to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court	Section two and the schedule.

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(concluded).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
IV of 1873	Municipal Committees in the Panjáb.	In section two, the first paragraph, and in second paragraph the words "But" and "the said."
V of 1873	Government Savings Banks ...	Section two.
VIII of 1873	Irrigation, Navigation and Drainage in Northern India.	Section two and the schedule.
IX of 1873	Appeals and Reviews of Judgment in the Panjáb.	Section two.
X of 1873	Oaths	Section two and the schedule.

PART III—ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
V of 1863	Madras Pier	Section seventeen.
VI of 1863	Schools	Section twenty-eight.
I of 1864	Ports	Sections one and six.
II of 1864	Arrears of Revenue ...	Sections sixty-five and sixty-six.
III of 1864	Abkárí	Section thirty-four.
VI of 1865	Seals	Section two and the first eight words of section one.
VIII of 1865	Recovery of rent	Sections eighty-nine and ninety.
VI of 1867	Land Revenue (Madras Town) ...	Section two.
VII of 1867	Port dues	Section one, and the first twenty-three words of section fifteen.
IX of 1867	Madras Municipality ...	Section one.
I of 1868	Nílgiri Hills Commissioner ...	Section thirteen, and the first twenty-four words of section one.
II of 1869	Repealing Act	The whole.
V of 1869	Jails	Section one.
V of 1871	Amending Madras Act IX of 1867.	Section four.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL

Number and year	Subject, Title or abbreviated Title.	Extent of repeal
II of 1862	An Act for extending the Powers of Municipal Commissioners, appointed under Act XXVI of 1850.	Section four, and the first six words of sections two and three.
IV of 1862	Markets and Fairs	The first six words of section one
V of 1862	Bhágdárí and Narwádárí Tenures.	In section one, the words "from and after the passing of this Act." The first seven words in sections four and five.
IX of 1862	An Act for further amending Act XXVI of 1850.	The first eight words of section one.
X of 1862	An Act to amend section 45, Clause 1, of Regulation XIII of 1827.	The preamble, and in section one, the words "Sessions Judge or other."
I of 1863	An Act for the Registry of Vessels and Levy of Pilotage Fees on the River Indus.	In the preamble, from and including the words "And whereas" down to and including "Sind." Sections sixteen and nineteen.
IV of 1863	An Act to amend Act XV of 1858 for the levy of Port-dues in the Port of Aden.	Section one, and section two down to and including the figures "1863."
VI of 1863	Public Conveyances in the Town, Suburbs, and Harbour of Bombay.	Sections thirty-three and thirty-eight.
VII of 1863	An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, &c.	Sections one and twenty-seven.
VIII of 1863	Karáchi Court of Small Causes	The whole.
IX of 1863	An Act for the Prevention of Adulteration of Cotton and the better Suppression of Frauds in the Cotton Trade in the Presidency of Bombay.	Section one, and the first twenty-two words of section four.
XI of 1863	An Act for taking a Census of the Bombay Presidency.	The whole.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—*(continued)*.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
XII of 1863	An Act to remove any doubts which may arise as to the legality of acts done, and proceedings held, in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.	The whole.
III of 1864	An Act to repeal Clause 4 of Section II of Regulation V of 1830, and Section I of Regulation VIII of 1831.	The whole.
IV of 1864	Repeal of enactments relating to Native law-officers.	The whole.
V of 1864	An Act to give Mamlutdars' Courts jurisdiction in certain cases, &c.	The preamble down to and including the figures and words "VI of 1830; and" Section two. In section twenty, the words and figures "as defined in Chapter II of Regulation XVI of 1827."
VI of 1864	Diet-money of persons imprisoned by the Bombay Court of Small Causes.	Section one.
I of 1865	An Act to provide for the survey, demarcation, assessment and administration of lands held under Government, &c.	Section one from and including the words "and shall" to the end. Section fifty.
IV of 1865	An Act for the regulation of Mofussil Gaols and the enforcement of discipline therein.	Section one. Section two down to and including the word "operation." Section forty-one.
VI of 1865	An Act to authorize the destruction of useless Records in certain Courts of the Bombay Presidency.	In the preamble from and including the words "and whereas" down to and including "useless records." Section two.
II of 1866	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c	Sections one, four, seven and eight.
III of 1866	Gambling	Section fifteen.
V of 1866	Repealing Bombay Regulation XVI of 1827, section 10.	The whole.

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—*(continued)*.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
VII of 1866	An Act to limit the liability of a Son, Grandson, or Heir of a deceased Hindoo for the debts of his ancestor, &c.	Section three. Section four from and including the words "and the provisions" to the end. Section eight.
VIII of 1866	Sale of Poisons	Section one and the first twelve words of section three. Section twenty-two.
IX of 1866	An Act to authorize the extension of certain Regulations and Acts to Territories in the Bombay Presidency not subject to the General Regulations.	Section one and the first twelve words of section two.
X of 1866	An Act to shorten the language used in Acts of the Governor of Bombay in Council, &c.	Sections eight and nine.
XI of 1866	Port-dues	Section one.
XII of 1866	Courts in Sindh	So much of section twelve as extends Act V of 1840. Sections eighteen, nineteen and twenty.
II of 1867	An Act to amend (Bombay) Act No. XIV of 1866.	The whole.
V of 1867	An Act to amend the Schedule annexed to Act No. XII of 1866 (Bombay).	The whole.
VII of 1867	District Police	Section two.
VIII of 1867	Village Police	Section two.
IX of 1867	Sale of Spirituous and Fermented Liquors in the City of Bombay.	Sections one and sixteen.
I of 1868	An Act to repeal Section 3 of Act XXI of 1852, and to remove doubts, &c.	Section one, and in the Title the words and figures "to repeal section three of Act XXI of 1852, and"
II of 1868	Public Ferries	Section one.
III of 1868	An Act to amend the Schedule annexed to Act No. V of 1867 (Bombay).	Section one down to and including the words "repealed and"

PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—*(concluded).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
IV of 1868	Application of (Bombay) Act I of 1865 to Towns and Cities.	Sections sixteen and twenty.
I of 1869	Bhore Ghaut Accident ...	The whole.
III of 1869	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility.	Section fourteen.
VI of 1869	Inspection of Steam Boilers in the City of Bombay.	The last sentence of section eleven. Section fifteen.
I of 1870	Repealing Certificate Tax ...	The whole.
II of 1870	Official Seals of the Magistrates	Sections one and three.
I of 1871	An Act to provide for the cost of Police employed in Towns and Suburbs where Act XXVI of 1850 is in force.	Section four.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
II of 1862	Amending Act XLII of 1860 ..	The whole.
III of 1862	Land Revenue	Section one.
VII of 1862	Resumption of Revenue ...	Section one.
VIII of 1862	Zamíndárí Dáks ...	Section one.
IV of 1863	Amending Act XXII of 1860	In section one, the words and figures "The schedule annexed to Act XXII of 1860 is hereby repealed, except as to any proceedings pending at the time of the passing of this Act: and"
VI of 1863	Calcutta Municipality ...	Sections one and five.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
II of 1864	Jails	Sections one and twenty.
V of 1864	Canal Tolls	Section nineteen.
VI of 1864	Inspection of Steam-boilers ...	Section thirteen.
VII of 1864	Salt	Sections two, forty-two, and the schedule.
I of 1865	Acts of Judge of 24-Parganas ...	The whole.
II of 1865	Repealing Bengal Act IX of 1862.	The whole.
V of 1865	Amending Bengal Act II of 1864.	Section one, and in section two, the words and figures "Sections V, XV and XIX of the said Act II of 1864 are hereby repealed, and"
VIII of 1865	Sale of under-tenures ...	Sections two and eighteen.
I of 1866	Amending Bengal Regulation VI of 1819.	Section one.
IV of 1866	Calcutta Police	Section two.
V of 1866	Hackney Carriages ...	Section one.
VI of 1866	Amending Bengal Act VI of 1863.	Section one.
IX of 1866	An Act for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, &c.	The whole.
III of 1867	Ships in Ports	Section twenty.
VI of 1867	Police	Section fourteen.
IX of 1867	Amending Bengal Acts VI of 1863 and VI of 1866.	Section twenty-three and the schedule.
XI of 1867	Calcutta Police Rates ...	Section fifteen.
I of 1868	Survey of Steamers ...	Section nineteen.
III of 1868	Appeals under Bengal Regulation VII of 1822.	Section two.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL—*(concluded).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
IV of 1868	Amending Act IX of 1847 ...	Section one.
V of 1868	Hastings	Section two.
VII of 1868	Arrears of land-revenue ...	Section twenty-nine and schedule E.
I of 1869	Cruelty to animals ...	Section eight.
I of 1870	Calcutta Water-rate ...	Section one and the schedule.
III of 1870	Transfer to Civil Courts of certain pending suits.	The whole.
IV of 1870	Court of Wards ...	Section eighty-seven.
V of 1870	Calcutta Port Commissioners ...	Sections ninety-three and ninety-four.
II of 1872	Jute warehouses ...	Section three.

PART VI.—MADRAS REGULATIONS.

Number and year.	Subject.	Extent of repeal.
II of 1803	Collectors	Sections three and four.
II of 1820	Publication of certain sections of 53 Geo. III, C. 155.	The whole.

PART VII.—BOMBAY REGULATIONS.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
I of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.	So much as has not been repealed.

PART VII.—BOMBAY REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Chapter I. In section forty-seven, clause *Second*, the words and figures "as provided in Regulation III, A. D. 1827, Section III, clause second." Appendix C. In section fifty, clause *Fourth*, the words "unless such Court be subordinate to that of the Zillah Judge, in which case it shall be imposed by his immediate authority." Section fifty-two, clause *Fifth*. Section fifty-three, clauses *First* and *Fourth*. Section fifty-four, in clause *First*, from and including the words "unless such Court," down to the end of the clause; and, in clause *Second*, from and including the words "and the Court," down to and including "decrees."
V of 1827	A Regulation defining the Limitations as to time, within which civil actions may be prosecuted, &c.	The preamble down to and including the words "instituted and," and in the preamble the words "for the calculation of the interest of money, and for limiting the amount thereof, and:" and the words "to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose." Section thirteen, and Appendix A.
VIII of 1827	A Regulation to provide for the formal recognition of Heirs, Executors, and Administrators, &c.	In the preamble, the last twenty words. Section two, clause *Second*. Section six. In section ten, clause *Second*, the words and figures "in the manner prescribed in Regulation IV, A. D. 1827, Section VIII, clause Tenth," "local currency," "Bombay Courier, or other."
XII of 1827	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, &c.	Section nineteen, clause *Sixth*, from and including the words "and if the Magistrate," down to the end of the clause. In section thirty-seven, clause *Second*, the words and figures "by imprisonment in commutation," and "in Regulation XIV, A. D. 1827, Section IX."

PART VII.—BOMBAY REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	The preamble. Section thirty-one, clause *Third.* Section thirty-two, and the first and second clauses of section thirty-three.
XIV of 1827	A Regulation for defining crimes and offences, &c.	So much as has not been repealed.
XVI of 1827	A Regulation defining the duties of the Collector, and his powers in regard to Subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in general, throughout the Territories subordinate to Bombay.	In the preamble, the last seventeen words. Section eleven, clause *Fourth.* In section fourteen, clause *Second*, the words "to the Judge." In section fifteen, clause *Second*, the words "through the Judge, who shall be bound to forward the same." In section twenty-three, clause *Second*, the word "the" before "stamped," and the words and figures "specified in Appendix (F) to Regulation XVIII, A. D. 1827." In section twenty-six, the words and figures "as required by Regulation VII, A. D. 1827, section IV, clause Third." In section twenty-seven, clause *Third*, down to and including the words "Fourth, and" Appendix A.
XVII of 1827	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, &c.	In the preamble, from and including the words "that the Collector," down to and including the words "revenue officers." In the preamble, the last seventeen words. In section two, clause *First*, the words and numbers "under any of the provisions contained in Chapters IX and X of this Regulation." In the same section, clause *Second*, the words "or in the enactments therein cited." In section four, clause *Third*, the words "by Regulation." In section five, clause *First*, the words "according to the Regulations." In section twelve, clause *Seventh*, the words and figures from and including the words "in Regulation," down to and including the word "sections."

PART VII.—BOMBAY REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
		In section fourteen, the words and figures "of Regulation IV, A. D. 1827, section LXX." Section sixteen, clause *Fourth.* In section twenty-six, clause *Fifth*, the words and number "before the Collector, according to the provisions of Chapter VIII," and the words and number "according to the provisions of Chapter VIII." In section twenty-seven, the words and number "instituted before the Collector according to the provisions of Chapter VIII." Section twenty-nine, clause *Second.*
XIX of 1827	A Regulation for the Presidency prescribing Rules for the Assessment and Collection of the Land Revenue, and for Collecting Taxes on Shops and Stalls, &c.	In the preamble, the last twenty words. In section three, clause *Second*, the words and figures "which is as prescribed in Chapter I, Regulation V, A. D. 1827." Section seven, clause *First*, from and including the words "the amount" down to the end of the clause. Section eight, except the first fifteen words.
XXI of 1827	A Regulation for collecting Customs on Opium and other specified Articles, &c.	In the preamble, the last sixty-four words. In section seven, clause *First*, the words "or criminal Judge;" clause *Second*, the word "Bombay." In section nine, clause *Third*, the words "local currency." In section forty-six, clause *Second*, the words "for the benefit of the Company." Sections forty-nine, fifty, fifty-one, fifty-two and fifty-three. Section sixty-five, clause *Third.* In section sixty-six, clause *Second*, the words and number "as prescribed in section LVII, clause *Fifth.*" In section sixty-eight, clause *First*, the words "by the Regulations." In section seventy-one, clause *First*, the last thirty-three words.
XXII of 1827	A Regulation to declare and define Military Authority, in its relations to the Civil Power and to the Community at large.	In the preamble, the words from and including "that Camp followers" down to and including "power." In the preamble, the last seventeen words.

PART VII.—BOMBAY REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
		Section twenty-three, except the first twenty-two words. In section twenty-five, clause *Third*, the words and number "in the mode described in section V, clause *First*." In section twenty-six, the words and number "in section IX of this Regulation." In the same section, clause *Third*, the word "Bombay." In section thirty-two, clause *First*, the word "Bombay," and the last twenty-four words of this clause. In section forty-two, clause *Fourth*, the word "both," and the words "and the Court of Sudder Foujdary Adawlut." In section forty-nine, clause *First*, the word "Bombay."
XXV of 1827	A Regulation for the Confinement of State Prisoners and for the Attachment of the Lands of Chieftains and others, for Reasons of State.	In the preamble, the last twenty words. Section four, clause *First*. In the same section, clause *Second*, the words "or the Judge on circuit."
XXVII of 1827	A Regulation for abolishing the Zillah Court of Broach, and for attaching the Districts composing the Broach Zillah to the Zillahs of Surat and Kaira.	So much as has not been repealed.
XXVIII of 1827	A Regulation for fixing the Date from whence certain Regulations passed on the 1st January 1827 are to take effect.	The whole.
XXXIV of 1827	Nawáb of Surat	The whole.
IV of 1828	Stamps	The whole.
IX of 1828	Repealing Regulation I of 1828 and part of Regulation XXVII of 1827.	The whole.
X of 1828	Repealing Regulation II of 1828 and part of Regulation XXVII of 1827.	The whole.
XI of 1828	Assistant Judges	The whole.
XIV of 1828	A Regulation for levying a Toll at the Sion Causeway, &c	The whole.

PART VII.—BOMBAY REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
IV of 1830	A Regulation rescinding such Parts of Regulation XII of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	So much as has not been repealed.
V of 1830	A Regulation providing for the Appointment of a Revenue Commissioner, &c.	In the preamble, the words "to have effect from the date of promulgation."
VII of 1830	A Regulation for bringing under the Operation of the Regulations the territories comprised in the Southern Mahratta Country, belonging to the Honourable Company, &c	Sections three and four.
XIII of 1830	A Regulation for vesting certain Jagheerdars, Surinjameedars and Enamdars with the power of deciding Suits within the Boundaries of their respective estates.	In the preamble, the words "to have effect from the date of promulgation." In section two, clause *Second*, the words "to the deputy agent or assistant judge, as the case may be." In section five, the words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals."
XV of 1830	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VI, 1818, &c.	The whole.
XVIII of 1830	A Regulation providing for the Appointment of a Joint Judge within the Zillah of Poona.	The whole.
XX of 1830	A Regulation for relaxing the Restrictive System in regard to the Sale and Purchase of Malwa Opium, &c.	In the preamble, the words "to have effect from the date of promulgation." Section one. Section two, clause *Third*, the words and figures "leviable under Regulation XX of 1827."
I of 1831	A Regulation for extending the Jurisdiction of the Agent of Government, acting under the provisions of Section IV, Regulation XXIX of 1827, &c.	In the preamble the words "to have effect from the date of promulgation." In section one, clause *First*, the words "*First*, it is hereby declared that" and the words and figures "and which under the provisions of Section XXXI of Regulation XVII of

PART VII.—BOMBAY REGULATIONS—*(concluded).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
		1827 are within the jurisdiction of Collectors of land revenue." Section one, clause *Second.*
X of 1831	A Regulation providing for the Recognition of the Vechania and Gerania Tenures as sufficient Title for the Exemption of Lands from the payment of Revenue, &c.	The whole.
XV of 1831	A Regulation providing Rules for the Punishment of Patels of Villages, in case of their falsifying Revenue Records.	In the preamble, the words "to take effect from the date of promulgation."
XVI of 1831	A Regulation for extending the Jurisdiction vested in the Political Agent in the Southern Mahratta Country, &c.	In the preamble, the words "to have effect from the date of promulgation," and the first five words of section one.
II of 1832	A Regulation providing for the realization of certain Items of Revenue from Farmers thereof.	In the preamble, the words "and land" and "transit duties," and the last eight words. In section one, the words "land customs, transit duties."
V of 1833	A Regulation for declaring all Hereditary District and Village Officers, when entrusted by virtue of their Offices with the charge or collection of the Public Money, to be officers of Receipt, and liable to certain Penalties for Embezzlement, &c.	In the preamble, the word "fourth" and the last eight words. In section three, the word "fourth." In section four, the words and figures "In extension of the provisions of section XVIII of Regulation XVI of 1827, it is hereby declared that"
I of 1834	Repealing Regulation V of 1828	Section one, and the second clause of section two.

PART VIII.—BENGAL REGULATIONS.

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
II of 1793	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, &c.	Sections two, nineteen and forty-eight. In section three, the second sentence.

PART VIII.—BENGAL REGULATIONS—*(continued).*

Number and year.	Subject, Title or abbreviated Title.	Extent of repeal.
IX of 1793	Apprehension and Trial of Persons charged with Crimes or Misdemeanours.	So much as has not been repealed.
XVIII of 1793	A Regulation for preserving complete the Records of the Civil and Criminal Courts of Judicature, &c.	So much as has not been repealed.
XXI of 1793	A Regulation for establishing in each Zillah an Office for keeping the Records in the Native Languages which relate to the public Revenue, &c.	The whole.
III of 1794	A Regulation for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue, &c.	Section twenty-two.
XVIII of 1795	A Regulation for extending to the Province of Benares Regulation XVIII, 1793, &c.	The whole.
XXX of 1795	A Regulation for extending to the Province of Benares Regulation XXI, 1793, &c.	The whole.
LVIII of 1795	A Regulation for granting to the Collectors a Commission on the Jumma of Lands, &c.	The whole Regulation, except sections three and four.
VII of 1797	A Regulation for abolishing the Office of Commissioner at Backergunge, &c.	So much as has not been repealed.
V of 1804	Native Officers	Sections twenty-five and twenty-six.
XIV of 1805	A Regulation for the Administration of Justice in Civil Cases in the Zillah of Cuttack.	The whole Regulation, except so much of section eleven as has not heretofore been repealed.
XVIII of 1806	Eastern Canal Tolls ...	The whole.
VI of 1814	A Regulation for modifying certain Parts of Regulation IX, 1810, and Regulation I, 1812.	So much as has not been repealed.

PART VIII.—BENGAL REGULATIONS—*(concluded).*

Number and year.	Subject, Title or abbreviated Title	Extent of repeal.
XXVI of 1814	A Regulation for modifying some of the Rules at present in force regarding the Admission and Trial of Special and Summary Appeals, &c.	So much as has not been repealed.
I of 1819	A Regulation for replacing the Districts of Dinagepore and Rungpore under the Management of the Board of Revenue, &c.	Sections one, two and three.
II of 1819	Resumption of Revenue ...	Section nineteen, clause *Second*.
IV of 1821	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate, &c.	Sections two and three, and section eight, clause *Fourth*.
VIII of 1824	Tolls on certain Rivers ..	The whole.
XIV of 1825	Lákhiráj Tenures	Section five.
III of 1828	Special Commissioners for hearing appeals from revenue authorities.	Section nine.

Office Supdt. Govt. Printing.—No. 71 L. D.—2-9-73—3,200.

ACT No. XIII of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th August 1873).

An Act to amend the law relating to Timber floated down the rivers of British Burma.

WHEREAS it is expedient to amend the law relating to timber floated down the rivers of British Burma; It is hereby enacted as follows:— Preamble.

I.—Preliminary.

1. This Act may be called "The Burma Timber Act, 1873:" Short title.

It extends only to the territories for the time being under the administration of the Chief Commissioner of British Burma; Local extent.

And it shall come into force on the seventh day of September 1873. Commencement.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule. Enactments repealed.

II.—Duties.

3. On all timber the produce of forests situate beyond the frontier of British Burma and floated down any of the rivers of the Martaban and Tenasserim Provinces, or past a frontier custom-house on the Irrawaddy or Sitang, a duty shall be levied, in such manner, at such places, by such persons, and to such extent, as the Chief Commissioner, with the previous sanction of the Governor General in Council, from time to time prescribes by notification in the *British Burma Gazette:* Duty on timber.

Provided

[*Price one anna and six pies.*]

Provided that, if the duty is directed to be levied on each log of the said timber, it shall not exceed two rupees twelve annas per log of five feet in girth and upwards, and one rupee six annas per log of less than five feet in girth :

Provided also that, if the duty is directed to be levied *ad valorem*, it shall not exceed eight per cent. on the value.

Power to fix value for assessment of duty.

4. In every case in which such duty is directed to be levied *ad valorem*, the Chief Commissioner may, with the like sanction, from time to time fix, by like notification, the value on which the duty shall be assessed.

Legalization of prior levy of duty.

5. All duties levied before this Act comes into force on timber floated down any of the rivers of British Burma, shall be deemed to have been levied in accordance with law.

Indemnity.

And all officers and other persons are hereby indemnified for anything done before this Act comes into force, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

III.—Rules.

Rules for timber floated.

6. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules as to all or any of the following matters :—

(a) the time and manner of floating timber and bamboos down any of the rivers of British Burma,

(b) the detention and examination of timber and bamboos so floated,

(c) the marking of timber so floated, and the use and registration of timber-marks and marking-hammers,

(d) the sale of unclaimed timber so floated,

(e) the salving and collecting of timber so floated,

(f) the protection of timber in transit,

(g) the

(g) the descriptions of timber which may lawfully be floated, and the descriptions of timber which may not lawfully be floated, down any such river,

(h) the collection of royalty due on timber or bamboos so floated, and

(i) such other matters connected with timber and bamboos floated down any of the rivers of British Burma as the Chief Commissioner may from time to time think fit to regulate.

And all timber and bamboos found on, in or by any of such rivers, or stranded on the seashore, or adrift on the sea, which has been floated contrary to any rules made under this section and for the time being in force, may be confiscated.

SCHEDULE.

(See section 2).

Number and year.	Title.	Extent of repeal.
XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban and Tenasserim Provinces.	Sections one, seven, eight and twelve. Sections four and six, so far as they relate to timber floated down the rivers of British Burma.
IV of 1863.	An Act to give effect to certain Provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burma.	The whole Act, so far as it relates to duty on such timber.
VII of 1869.	An Act to give validity to certain Rules relating to Forests in British Burma.	The whole Act, so far as it gives validity to rules relating to duty on such timber.
	The Rules for the better management and preservation of the Government forests of British Burma, dated the 2nd August 1865.	So far as they relate to duty on such timber.

Office Supdt Govt Printing.—No. 3 L. D —22-8-73.—3,000.

ACT No. XIV of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th September 1873).

An Act to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged.

WHEREAS it is expedient to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Lunatic Soldiers' Property Act, 1873:" Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Native Princes and States in India in alliance with Her Majesty; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. In this Act— Interpretation-clause.

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army; and 'Officer.

"Soldier" means a Soldier of Her Majesty's Army, or a European Soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer. 'Soldier.'

3. When

[*Price one anna and six pies.*]

Securing of effects of insane by Committee.

3. When an Officer or Soldier becomes insane on service, but is not removed, put on half-pay, or discharged, on the ground of insanity, such Committee of Officers as the Governor General in Council may from time to time prescribe, shall immediately secure all such of his effects as are within the territories to which this Act extends.

Application of effects.

4. Such effects shall be liable to be applied in or towards payment of any expenses necessarily incurred in the maintenance and removal of such Officer or Soldier to any place in India, and of any such expenses and debts incurred and owing by him as would, under Part I of the Regimental Debts' Act, 1863, be preferential charges on his moveable property in case he had died on service, with the like preference, in the like order, and subject to the like provision for decision of doubt or difference, as would in that case apply, as nearly as may be, *mutatis mutandis.*

Stay of proceedings by Committee on payment of expenses and debts by representative.

5. If any person who would, if such Officer or Soldier were dead, be entitled to take out representation to him (otherwise than as a creditor), or his wife (if any), or any near relative, pays in full the expenses and debts aforesaid, the said Committee shall not further interfere in relation to the property.

Administration by Committee.

6. If such payment is not made, then, within one month after the insanity is known at the quarters where the property is, the said Committee may sell and convert into money such part of the property as they think fit,

and, after paying out of the proceeds the expenses attending the discharge of their duties, shall pay thereout the expenses and debts aforesaid,

and shall dispose of any property then remaining in their hands in such manner as may from time to time be prescribed by the Governor General in Council, or by such Officer as he appoints in this behalf, to the end that the same may be applied for the benefit of the Officer or Soldier to whom it belongs.

Validation of payments, sales and dispositions by Committee.

7. Every payment or application of money, and every sale or other disposition of property, made by any Committee in pursuance of this Act, shall be valid as against all persons whomsoever.

And

And every Officer belonging to any such Committee shall be discharged from all liability in respect of the money or other property so paid, applied or disposed of. Indemnity

8. The Governor General in Council may, from time to time, prescribe such regulations as may seem fit for the better execution of any of the purposes of this Act. Power to make regulations.

Office Supdt. Govt Printing —No 107 L 4D.—28-9-73 —1,000.

N. W. P. AND OUDH MUNICIPALITIES ACT.

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[*Price four annas and nine pies.*]

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ACT No. XV. OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st November 1873).

An Act to make better provision for the appointment of Municipal Committees in the North-Western Provinces and Oudh, and for other purposes.

Preamble.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in the North-Western Provinces and Oudh, and for the police, conservancy and local improvements, and for education, and for the levying of rates and taxes, in the places to which this Act may be extended; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The North-Western Provinces and Oudh Municipalities Act, 1873:"

Local extent.

It extends to the territories for the time being respectively under the government of the Lieutenant-Governor of the North-Western Provinces and under the administration of the Chief Commissioner of Oudh;

Commencement.

And it shall come into force at once.

Repeal of enactments.

2. Acts Nos. XVIII of 1864 *(to provide for the appointment of a Municipal Committee for the City of Lucknow)*, XXII of 1865 *(to amend Act No. XVIII of* 1864*)*, XV of 1867 *(to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes)*, and VI of 1868 *(to*

(to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes) are repealed.

But all extensions and appointments made, and all limits defined, under any of the said Acts, shall be deemed to be respectively made and defined under this Act.

And all assessments, bye-laws, rules and regulations of any kind relating to matters provided for by this Act, which may heretofore have been made and approved by the Local Government, shall be deemed to have been made under this Act.

And all proceedings taken under any such assessment, bye-law, rule or regulation, shall be deemed to be as valid as if they had been taken under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Committee."

"Committee" means a Municipal Committee appointed under the provisions of this Act; and

"Municipality."

"Municipality" means any town or towns to which this Act may be extended.

Power to extend Act.

4. The Local Government may, by notification published in the local official Gazette, declare its intention to extend this Act, or any of its provisions, to any town or towns in the territories under such Government.

Any inhabitant of such town objecting to such extension may, within six weeks from the date of the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in its opinion, they are insufficient, may, by like notification, effect the proposed extension.

Power to define limits of places to which Act extends.

5. For the purposes of this Act, the Local Government may from time to time, by notification in the local official Gazette, define the limits of any town,

town, and may include within the limits of such town any railway-station, village, building or land in the vicinity:

Provided that no cantonment shall, without the previous consent of the Governor General in Council, be included within the limits of any town for the purposes of this Act.

The Local Government may from time to time, by notification in the local official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the municipality so formed shall be designated.

CHAPTER II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

Appointment of Committees.

6. In any municipality to which this Act shall have been extended, the Local Government may appoint or direct to be appointed by election, for such period, not exceeding two years, as to it may seem fit, any number of the inhabitants of, or of persons possessing property or carrying on any trade or business in, such municipality, to be members of a Committee for carrying out the purposes of the Act.

The persons so appointed shall continue in office for two years, or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases where the Local Government directs the appointment to be by election, it may fix the time and manner of the election and the qualifications of the electors, and of the candidates for office, and, generally, may make such rules as it thinks fit for regulating the election.

Removal of members.

7. The Local Government may, from time to time, remove any of the members of the Committee so appointed who desire to be discharged, or refuse or become incapable to act, or are convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months.

Addition of members.

8. The Local Government may also fill up vacancies occurring among the members of the Committee, and

and may, if it think fit, on the recommendation of the Committee, add to their number.

Every member so appointed shall have the same powers, and be subject to the same liabilities, and vacate his office, and be eligible for re-appointment, as if he had been originally appointed a member under section six.

Ex officio members.

9. In addition to the members appointed as aforesaid, the Local Government shall have power to appoint *ex officio* members of the Committee for every place in which they exercise their offices and to which this Act shall have been extended:

Provided that the number of such *ex officio* members shall not be more than one-third of the total number of the Committee.

Appointment of president and vice-president.

10. The Local Government may also appoint the president and vice-president, or either of them, of any Committee, or sanction the election by any Committee of one of their members as president or as vice-president.

Appointment of secretary.

The Committee may appoint any one of their members or any other person to be their secretary.

Notification of appointments and removals of members.

11. All appointments and removals of members of a Committee, made under this chapter, shall be notified in the local official Gazette.

CHAPTER III.

OFFICE AND MEETINGS OF COMMITTEES.

Committee to have an office.

12. The Committee shall have an office, where they shall meet for the transaction of business at least once in every month.

Rules as to meetings.

13. *(a)*. The president, or, in his absence, the vice-president, shall take the chair at every meeting of the Committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

(b). The meetings shall be either general or special.

(c). The president or vice-president may, whenever he thinks fit, and he shall, upon a requisition made

made in writing by not less than one-fifth in number of the members, convene a meeting.

(d). Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state generally the nature of the business to be transacted at the meeting proposed to be called.

(e). The quorum necessary for the transaction of business at a general meeting shall be three.

(f). The quorum necessary for the transaction of business at a special meeting shall be one-half of the total number of the members of the Committee at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

(g). If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

(h). All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

(i). All questions which may come before the Committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a second or casting vote.

(j). Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English or vernacular newspaper (if any), or in such other manner as the Local Government may from time to time direct.

Correspondence between Committee and Local Government.

14. All correspondence between the Committee and the Local Government shall pass through the Commissioner of the Division.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the Committee as he may deem fit; and the Committee shall

shall furnish him with any information he may call for connected with the duties imposed upon them by this Act.

CHAPTER IV.

POWERS OF COMMITTEES.

Power to make assessments and levy taxes.

15. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf,

every Committee intending to impose taxes for the purposes of this Act, shall from time to time give notice of such intention, and shall in such notice define the persons or property within the municipality to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the chairman of the Committee, and the Committee shall take such objection into consideration and report their opinion thereon to the Local Government.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction of the Local Government, to be notified in the official Gazette, define the persons or property to be taxed and the amount or rate of the taxes aforesaid, and may then at a special meeting impose such taxes accordingly.

The Committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

Specification of taxes.

16. Such taxes may (subject to the rules or orders last aforesaid) be all or any of the following:—

(a).—A tax on houses, buildings and lands according to the annual value thereof, not exceeding seven and a half per cent. of such value:

(*b*).—A

(b).—A tax on professions and trades:

(c).—Taxes on carriages, horses, mules, elephants, camels, bullocks and asses:

(d).—Tolls on carriages, carts, and animals entering the limits of the municipality:

(e).—An octroi on articles brought within the said limits for consumption or use therein: Provided that a list of such articles shall have been submitted to and approved by the Local Government: Provided also, that the Local Government may exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.

Imposition of other taxes.

17. If the Committee desire to impose any other or further tax than such as are hereinbefore specified, they may do so with the previous sanction of the Local Government and of the Governor General in Council, and subject to the provisions of section fifteen.

Taxes to be confirmed.

18. No tax shall be collected until the assessment thereof has been confirmed by such persons and in such manner as the Local Government appoints in this behalf.

Rules for confirmation and collection of taxes.

The Local Government may, from time to time, make rules as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes.

The Local Government may, from time to time, repeal, alter or add to such rules.

No tax or rate invalid for defect of form.

19. No tax, or toll, or rate on property, made under this Act shall be invalid for defect of form; and it shall be enough, in any such rate on property, or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Bye-laws and Rules.

Power of Committees to make bye-laws.

20. Every Committee may at a special meeting make bye-laws consistent with this Act, for regulating the time and place of their meeting, the conduct of their business, the division of duties among the members

members of the Committee, the salaries, appointment, suspension and removal of the officers and servants of the Committee, and other similar matters.

Enforcement of bye-laws and rules.

21. The Committee may appoint one or more of their number to carry out their resolutions, and to enforce the bye-laws and rules made, under the provisions of this Act, for the protection of the public health, or they may appoint a special officer for such purposes.

Power to make rules as to nuisances, hire of carriages, and registration of births, marriages and deaths.

22. The Committee may at a special meeting make rules

for declaring what acts or omissions within the municipality shall be considered to be public nuisances;

for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances;

for determining the rates of hire of carriages, carts and boats plying for hire within the limits of the municipality;

for securing a proper registration of births, marriages and deaths,

and for carrying out all or any of the purposes of this Act.

The Committee may from time to time, at a special meeting, repeal, alter or add to such rules.

Confirmation of rules.

23. No rule, and no alteration or repeal of, or addition to, a rule, made under this Act, shall have effect until it has been confirmed by the Local Government.

Publication of rules and bye-laws.

24. All bye-laws and rules made under this Act, and all alterations and repeals of, and additions to, such bye-laws and rules shall be published for such length of time and in such manner as the Local Government from time to time directs.

Nuisances.

Power to prohibit repetition or continuance of nuisances.

25. Every Committee may enjoin within the limits of the municipality any person not to repeat or continue a public nuisance.

Every such injunction shall be deemed to have been made by a public servant.

26. Every

26. Every Committee which the Local Government authorizes in this behalf may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section five hundred and twenty-one of the Code of Criminal Procedure, for the removal of nuisances; and in the exercise of such powers shall follow the procedure prescribed in sections five hundred and twenty-one to five hundred and twenty-eight (both inclusive) of the same Code.

Power to remove nuisances.

Purchase and Sale of Land.

27. Any Committee may at a special meeting, and with the previous sanction of the Local Government, purchase land for the purposes of this Act, and may at a like meeting and with the like sanction, sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the Committee.

Power to buy and sell land for purposes of Act.

The receipt of the president and any two members of the Committee for any monies paid to them upon any such sale, shall effectually discharge the persons paying the same therefrom, or from being concerned to see to the application thereof, or being accountable for the non-application or mis-application thereof; and the proceeds of any such sale shall be applied for the purposes of this Act.

Receipts.

Controlling Power of Local Government.

28. The Local Government may by order cancel, suspend or limit any of the acts, proceedings, bye-laws or rules of any Committee.

Cancellation and suspension of proceedings of Committee.

To every suit or other proceeding brought against a Committee, the Local Government shall be made a party.

Conduct of litigation.

29. The Local Government may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of money paid in respect of such tax.

Abolition of taxes.

CHAPTER V.

CHAPTER V.

RIGHTS, DUTIES AND LIABILITIES OF COMMITTEES.

Municipal Fund.

Municipal Fund.

30. All sums received by the Committee of any municipality to which this Act extends,

and all fines levied under this Act, or under Act No. V of 1861 *(for the regulation of Police)*, on account of nuisances committed within the municipal limits,

and all receipts from property entrusted to and managed by the Committee,

shall constitute a fund which shall be called the Municipal Fund of such municipality, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

Custody and disbursement of Municipal Fund.

31. The Municipal Fund shall, as a rule, be kept in the Government Treasury of the District, or in the Bank (if any) to which the Government Treasury business shall have been made over.

But in places where there is no such Treasury or Bank, the said fund may, with the previous sanction of the Local Government, be deposited with any Banker, or person acting as a Banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government in each case thinks sufficient.

No disbursement of the Municipal Fund, or any part thereof shall be made except under the signature of the president or vice-president and one other member of the Committee.

Duties and powers of Committees.

32. Every Committee, so far as the Municipal Fund at their disposal will permit, shall, after providing out of such fund for a police establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the municipality for which they are appointed, clean and in repair,

and

and may cause such streets and roads or any of them to be watered and lighted,

and may construct and provide for the management of poor-houses, dispensaries, market-places and other works of general utility,

and, generally, may do all acts and things necessary for the purposes of conservancy and general utility within their municipality.

The Committee may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in their municipality.

33. Every contract made on behalf of any Committee in respect of any sum exceeding twenty rupees, or in respect of any property exceeding twenty rupees in value, shall be in writing, and shall be signed by the president or vice-president and at least two other members of the Committee, of whom one shall be an *ex officio* member. Unless so executed, it shall not be binding on the Committee. Contracts.

Municipal Police.

34. Every Committee shall provide in the first place, from its funds, for the maintenance of the police establishment in the municipality. Provision for police.

The municipal police shall be appointed under such Act of the Governor General in Council as may be applicable to the town, and their number shall be fixed by the Committee in consultation with the Inspector General of Police, subject to the final decision of the Local Government.

35. Every officer of police in any municipality to which this Act shall have been extended, may take into custody without a warrant any person who, within his view, commits any of the offences mentioned in section thirty-four of Act No. V of 1861 *(for the regulation of Police)*, and shall carry out the orders issued by the Committee for the prohibition and prevention of public nuisances, or nuisances declared to be such by any rule made under this Act. Police to aid in carrying out orders regarding nuisances.

Annual

Annual Reports and Accounts.

Annual reports and accounts to be submitted.

36. Every Committee shall annually, or oftener if directed by the Local Government to do so, submit reports of all works executed, or proceedings taken, by them under the authority of this Act, and also accounts of and relating to the Municipal Fund.

Such accounts shall be examined or audited in such manner as the Local Government from time to time prescribes.

The Committee shall also submit, at such time and in such form as may be directed by the Local Government, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Local Government from time to time directs.

Rules as to cost and class of works.

37. The Local Government may, from time to time, make rules consistent with this Act, as to the cost and the class of works which the Committee may execute, and the Committee shall be legally bound to obey such rules.

Public Highways.

Right of Committee in public highways.

38. All public highways in any municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the Committee.

Land required for Public Purposes.

Acquisition of land for municipal purposes.

39. When any land within the limits of any municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public purpose, if the Committee cannot agree with the owner for the purchase thereof, the Local Government, on the recommendation of the Committee, may notify in the local official Gazette that such land is required under the provisions of the Land Acquisition Act, 1870;

and, on payment by the Committee of the compensation

pensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Suits by and against Committees.

40. Every Committee shall sue and be sued in the name of their president.

Suits by and against Committees.

41. No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts made in the manner above provided for.

Members not personally liable for contracts made by Committee.

42. Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty; and he shall be liable to be sued for the same in such Court as the Local Government directs, as for money due to Government.

Liability of members for breach of trust.

43. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Notice previous to suing Committee or their officers.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the cause of suit and not afterwards.

If any person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

CHAPTER VI.

Penalties and Prosecutions and Recovery of Taxes.

44. No member of a Committee, or servant of a Committee, shall be interested directly or indirectly in

Penalty on member or servant of

Committee being interested in contracts made with Committee.

in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees:

Provided that no person shall by reason of being a shareholder in or member of any incorporated or registered Company be deemed interested in any contract entered into between such Company and the Committee.

Penalty for infringement of rules or non-payment of fines.

45. Whoever infringes any rule made by a Committee and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall, in the case of a continuing infringement, be liable to imprisonment for a term not exceeding one month; and in any other case, to imprisonment for a term not exceeding eight days.

Prosecutions.

46. Prosecutions under this Act for infringements of rules may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf.

Recovery of taxes.

47. All arrears of taxes imposed under this Act may be recovered as if they were fines, in the manner prescribed in section three hundred and seven of the Code of Criminal Procedure.

Office Supdt. Govt. Printing.—No. 151 L. D.—1-12-73—3000.

ACT No. XVI of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st November 1873).

An Act to consolidate and amend the law relating to Village and Road Police in the North-Western Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Village and Road Police in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows:— Preamble.

I.—Preliminary.

1. This Act may be called "The North-Western Provinces Village and Road Police Act, 1873:" Short title.

~~So far as regards the repeal of Act No. III of 1869, this Act extends to the whole of British India: the rest of~~ this Act extends only to the territories for the time being under the government of the Lieutenant-Governor of the North-Western Provinces; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. Act No. III of 1869 *(for the maintenance of the Rural Police in the North-Western Provinces)* and so much of section twenty-one of Bengal Regulation XX of 1817, and of form No. 6 of the Appendix thereto, as relates to the Village Watchmen of the North-Western Provinces, are hereby repealed. Repeal of enactments.

II.—Appointment of Village Police.

3. The nomination to the post of Village Policeman shall be made by the zamíndár of the village, or, where there are more zamíndárs than one, by the lambardár as their representative, and where there are more lambardárs than one, the opinion of the majority (unless there is some special provision to the Right of nomination of Village Policemen.

[*Price one anna and nine pies.*]

the contrary in the village administration paper) shall prevail.

Obligation to nominate.

4. Every person authorized to nominate to the office of Village Policeman shall, within fifteen days after the occurrence of a vacancy in such office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

Discretion to appoint or reject nominee.

5. The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected at discretion by such Magistrate, or by some officer authorized by him in that behalf.

Power to Magistrate to appoint.

6.—*(a.)* In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

Procedure in case of rejection of nominee.

(*b.*) If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made, but the nominee is again rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

III.—Appointment of Road Police.

Appointment of Road Police.

7. Subject to the rules to be framed under section fourteen and for the time being in force, the Magistrate of the District may, from time to time, appoint persons to be the Road Police of his District.

IV.—Duties of Village and Road Police.

Duties of Village and Road Policemen.

8. Every Village Policeman and every Road Policeman shall perform the following duties :—

(*a*). He shall give immediate information to the officer in charge of the police-station appointed for his village or beat,

(1.) of every unnatural, suspicious, or sudden death occurring in the village of which he is Chaukídár, or within his beat;

(2.) of each of the following offences occurring in such village or on such beat, (that is to say)

say) murder, culpable homicide, rape, dacoity, theft, robbery, mischief by fire, house-breaking, counterfeiting coin, causing grievous hurt, riot, harbouring a proclaimed offender, exposure of a child, concealment of birth, administering stupefying drugs, kidnapping, lurking house-trespass, and

(3.) of all attempts and preparations to commit, and abetments of, any of the said offences.

(*b.*) He shall keep the Police informed of all disputes which are likely to lead to any riot or serious affray.

(*c.*) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in paragraph (*a*), clause (2) of this section.

(*d.*) He shall observe, and from time to time report to the officer in charge of the police-station within the jurisdiction of which his village or beat may be situate, the movements of all bad characters in or on such village or beat.

(*e.*) He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

(*f.*) He shall supply to the best of his ability any local information which a Magistrate or any officer of Police may require, and shall promptly execute all orders issued to him by competent authority.

Procedure on arrest by Village or Road Policeman.

9. Whenever a Village Policeman or Road Policeman arrests any person, he shall take him as soon as possible to the police-station within the jurisdiction of which his village or beat is situate.

V.—Liabilities of Village and Road Police.

Dismissal of Village or Road Policeman

10. The Magistrate of the District may dismiss any Village Policeman or Road Policeman for any misconduct or neglect of duty.

Acts punishable.

11. Every Village Policeman and every Road Policeman guilty of any wilful misconduct in his office, or of neglect of duty, such misconduct or neglect not being

being an offence within the meaning of the Indian Penal Code,

or withdrawing from the duties of his office without permission, and without having given at least two months' notice of his intention to withdraw from such duties to the persons authorized to nominate or appoint under sections three and seven (as the case may be),

or offering any unnecessary personal violence to any person in his custody,

or violating any of the rules framed under section fourteen and for the time being in force,

Penalty.

shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment for a period not exceeding three months, or to both.

Fines to be credited to such fund as Government appoints.

12. All fines levied under this Act on Village Policemen or Road Policemen shall be credited to such fund as the Local Government from time to time appoints.

VI.—Miscellaneous.

Orders of Magistrate of District subject to control of Commissioner.

13. All orders of, and appointments made by, the Magistrate of the District under section five, six, seven or ten shall be subject to control, revision and alteration by the Commissioner to whom he is subordinate.

Power to make subsidiary rules.

14. The Local Government may from time to time frame rules

(*a*) for the discipline of the Village and Road Police,

(*b*) for regulating their numbers, location and duties, and

(*c*) for carrying out generally the purposes of this Act.

Office of Supdt. of Govt. Printing—No. 4 L. D.—25 11-73.—3,000.

ACT No. XVII of 1873.

Passed by the Governor General of India in Council.

(*Received the assent of the Governor General on the 24th November 1873*).

An Act to provide for the liquidation of the debts of the Nawáb Názim of Bengal, and for his protection against legal process.

Preamble.

WHEREAS divers large pecuniary claims have been made against Sayyid Mansúr 'Alí, the present Nawáb Názim of Bengal, Behar and Orissa, commonly called the Nawáb Názim, which he has not the means of satisfying, and for the purpose of recovering such claims divers suits have been brought against him, and divers attachments have been issued against his property in India:

And whereas, with respect to certain jewels and immoveable property, it is disputed whether they belong absolutely to the said Nawáb Názim or are held by the Government of India for the purpose of upholding the dignity of the Nawáb Názim for the time being, and litigation has consequently arisen between the creditors of the present Nawáb Názim and the Government of India:

And whereas the Government of India is desirous of freeing the said Nawáb Názim and his property, respectively, from such suits and attachments, and of discharging such portions of the said claims as are proper to be paid, and of settling the said dispute as to the said jewels and immoveable property:

And whereas in the meantime and for the future, it is expedient to exempt the said Nawáb Názim, except as hereinafter mentioned, from the jurisdiction of the Civil

[*Price two annas.*]

Civil Courts, and to render him incapable of contracting further pecuniary obligations;

It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Nawáb Názim's Debts Act, 1873:"

Local extent.

It extends to all persons and places for whom and for which the Governor General in Council has power to make laws;

Commencement.

And it shall come into force at once.

Power to appoint Commission.

2. The Governor General in Council may from time to time nominate and appoint such persons as he thinks fit to be a Commission for the purposes hereinafter mentioned.

All persons so nominated and appointed (hereinafter called "the Commissioners") shall continue to be members of the said Commission during the pleasure of the Governor General in Council, and shall hold their sittings at such place or places and time or times as they think fit.

Notice to claimants

3. The Commissioners shall publish thrice in the *Gazette of India* in English, and in the *Calcutta Gazette* in English, Urdú and Bengálí, and in such other mode and languages as they think fit, a notice calling upon all persons having claims against the said Nawáb Názim or his property, whether moveable or immoveable, to notify the same in writing to the Commissioners within six months from the date of the earliest of such publications.

Bar of debts not duly notified.

4. Every debt or liability to which the said Nawáb Názim is subject, or with which his property, or any part thereof, is charged, and which is not duly notified to the Commissioners within the time and in the manner hereinbefore mentioned, shall be barred:

Proviso.

Provided that, on sufficient cause being shown to the Commissioners, they may admit such claim within the further period of six months from the expiration of the said period of six months.

Particulars of claim.

5. Every such claimant shall along with his claim present full particulars thereof.

Every

Every document on which he founds his claims, or on which he relies in support thereof, shall be delivered to the Commissioners along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the Commissioners, together with a copy of the entry on which he relies. The Commissioners shall mark the book for the purpose of identification, and after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Commissioners along with the claim, the Commissioners may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

May call for or admit any further evidence.

The Commissioners may, from time to time, call for further and more detailed particulars of any claim preferred before them under this Act, and may at their discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power of Commissioners to summon witnesses.

6. For the purposes of this Act, the Commissioners may summon and enforce the attendance of witnesses, and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

Investigation to be a judicial proceeding.

7. Every investigation conducted by the Commissioners, with reference to any claim preferred before them under this Act, or to any matter connected with any such claim, shall be deemed a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Commissioners with reference to such investigation, whether upon oath or otherwise, shall be deemed to be evidence within the meaning of the same Code.

Expenses of witnesses

8. Every witness required by the Commissioners, except at the instance of a claimant, to attend and give evidence under the provisions of this Act, shall be

be entitled to a reasonable sum (to be allowed by the Commissioners) for his expenses in travelling to and from, and remaining at, the place at which he is required to attend.

Commissioners to determine amount due to each claimant.

9. The Commissioners shall, by agreement with the claimant or, in default of such agreement, after due and full enquiry, determine the amount which, on the consideration of all the circumstances, they may consider each claimant ought in fairness and justice to receive. And in coming to such determination, they shall not be bound by any previous agreement or judicial proceeding.

Sum found due to be certified to Government.

10. The Commissioners shall certify in each case the amount so determined, and upon the Governor General in Council, within six months from the date of the certificate, paying or tendering to any claimant the amount so certified, all claims of such claimant against the Nawáb Názim or his property shall be satisfied and extinguished.

Bar of suits against Nawáb Názim.

11. No suit shall be commenced or prosecuted, and no writ or process shall at any time be sued for, against the person or property of the said Nawáb Názim, unless such suit be commenced, or such writ or process be sued for, with the consent of the Governor General in Council first had and obtained.

Such consent shall be certified by the signature of one of the Secretaries to the Government of India, and every such signature shall be judicially noticed.

And any suit which at any time shall have been, or shall be, commenced, and any writ or process which at any time shall have been, or shall be, sued for, against the person or property of the said Nawáb Názim, shall be of no effect unless and until the consent of the Governor General in Council certified in manner aforesaid is obtained.

Commissioners to ascertain the property held by Government for upholding the dignity of the Nawáb Názim's family.

12. The Commissioners shall ascertain what jewels and immoveable property are held by the Government of India for the purpose of upholding the dignity of the Nawáb Názim for the time being, and shall certify the particulars of such jewels and property; and their finding thereon shall be binding and conclusive on all persons whomsoever.

13. If

13. If any question of law, or as to the construction of a document, arises in any case under this Act, and the Commissioners think it necessary for the purposes of fairness and justice to obtain a judicial opinion thereon, they may draw up a statement of the case and refer it for the decision of the High Court of Judicature at Fort William; and the provisions of sections twenty-four and twenty-five and of the first sentence of section twenty-six of Act No. XI of 1865 shall apply as if, in section twenty-six, for the word "Court," the word "Commissioners" were substituted.

Power to refer questions of law to High Court.

And if, in the opinion of the High Court, the statement is imperfectly framed, the High Court may return it for amendment; and the costs (if any) consequent on any such reference shall be dealt with as the Commissioners shall in each case direct.

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14. The said Nawáb Názim shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

Nawáb Názim to be incapable of contracting.

15. Nothing herein contained shall be deemed to render the Secretary of State for India in Council, or the Government of India, liable for any debt heretofore contracted by, or on behalf of, the said Nawáb Názim, or in respect of any claim to be reimbursed, which may be made by any person supplying him with necessaries.

Saving of Secretary of State in Council.

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Office of Supdt. Govt. Printing,—No. 180 L. D.—8-12-73.—3,000.

THE NORTH-WESTERN PROVINCES RENT ACT, 1873.

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[*Price one rupee nine annas and six pies.*]

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ACT No. XVIII OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd December 1873).

An Act to consolidate and amend the Law relating to the recovery of Rent in the North-Western Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the recovery of Rent in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The North-Western Provinces Rent Act, 1873:" Short title.

It extends in the first instance to the territories for the time being under the government of the Lieutenant-Governor of the North-Western Provinces, except those specified in the second schedule hereto annexed. But the Local Government may, by notification in the official Gazette, extend the whole or any part of this Act to all or any of the territories so excepted. Local extent.

Save as provided by sections one hundred and seventy-one and one hundred and seventy-two, nothing herein contained applies to land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto.

This Act shall come into force on the passing thereof. Commencement.

2. Act No. X of 1859 *(to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal)*, Act No. XIV of 1863 *(to amend* Acts repealed.

Act

Act X of 1859), and Act No. XXII of 1872 (*to explain and amend Act No. X of* 1859) are hereby repealed. But such repeal shall not legalize any practice which, immediately before the passing of this Act, was unlawful.

Rules and orders now in force.

And all rules and orders now in force and made under any of the Acts hereby repealed shall, so far as they are consistent herewith, be deemed to have been made hereunder.

Proceedings heretofore commenced.

All proceedings commenced under any enactment hereby repealed shall be deemed to have been commenced under this Act, except where a decree has been made or an appeal presented: Provided that no proceeding relative to the enhancement of rent shall be deemed to have been commenced before the passing of this Act, merely because the landholder has served a notice under section thirteen of Act No. X of 1859, or because the tenant has contested his liability to pay the enhanced rent, by complaint of excessive demand of rent, under sections fourteen and twenty-three of the same Act.

Acts amended

Illustration (*a*) to the Indian Penal Code, section nineteen, and Act No. XI of 1865, section fifty-two, shall be read as if, for "Act X of 1859," the words and figures, "the North-Western Provinces Rent Act, 1873," were substituted. And section fifteen of Act No. XVIII of 1871 (*for the levy of rates on land in the North-Western Provinces*) shall be read as if, for "section twenty-three of Act No. X of 1859, and in section one of Act No. XIV of 1863," the words and figures "section ninety-four of the North-Western Provinces Rent Act, 1873," were substituted, and as if, for "Act No. X of 1859 and Act No. XIV of 1863," the words and figures, "the North-Western Provinces Rent Act, 1873," were substituted.

Interpretation-clause

3. In this Act, unless there be something repugnant in the subject or context—

'Mahál.'

(1.) 'Mahál' means—

(*a*) any local area held under a separate engagement for the payment of land-revenue, and for which a separate record-of-rights has been framed;

(*b*) any

(*b*) any local area of which the revenue has been assigned or redeemed, and for which a separate record-of-rights has been framed:

(2) 'Rent' means whatever is to be paid, delivered or rendered by a tenant on account of his holding, use or occupation of land: 'Rent.'

(3.) 'Landholder' means the person to whom a tenant is liable to pay rent: 'Landholder.'

(4.) 'Sír-land' means— 'Sír-land.'

(*a*) land recorded as sír at the last settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, and treated as such in the distribution of profits or charges among the co-sharers:

(5.) 'Collector of a District' means the chief officer in charge of the Revenue Administration of a District: 'Collector of a District.'

(6.) 'Commissioner of a Division' means the chief officer in charge of the Revenue Administration of a Division: 'Commissioner of a Division.'

(7.) 'Board' means the Board of Revenue for the North-Western Provinces: 'Board.'

(8.) 'Civil Jail' means the civil jail of the District, and includes any place appointed by the Local Government for the confinement of prisoners under sentence of any Court constituted under this Act. 'Civil Jail.'

CHAPTER II.

Rights and Liabilities of Landholders and Tenants.

4. In the permanently-settled districts, persons who possess a permanent transferable interest in land, and Persons holding land at fixed rent

without change since permanent settlement to continue to hold at such rent.

and who are intermediate between the proprietor of a mahál and the occupants, and who hold (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall continue to hold at such rent.

Tenants at fixed rates.

5. All tenants in districts or portions of districts permanently settled, who hold lands at fixed rates of rent which have not been changed since the Permanent Settlement, shall have a right of occupancy at those rates, and shall be called "tenants at fixed rates."

Presumption where rent of land not changed for 20 years.

6. Whenever, in any suit to which the provisions of section four or section five apply, it is proved that the rent at which land is held has not been changed for a period of twenty years next before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

Expro-prietary tenants.

7. Every person who may hereafter lose or part with his proprietary rights in any mahál shall have a right of occupancy in the land held by him as sír in such mahál at the date of such loss or parting, at a rent which shall be four annas in the rupee less than the prevailing rate payable by tenants-at-will for land of similar quality and with similar advantages.

Persons having such rights of occupancy shall be called "exproprietary tenants," and shall have all the rights of occupancy-tenants.

Occupancy-tenants.

8. Every tenant who has actually occupied or cultivated land continuously for twelve years has a right of occupancy in the land so occupied or cultivated by him.

Such tenants shall be called "occupancy-tenants."

The occupation or cultivating of the father or other person from whom the tenant inherits, shall be deemed to be the occupation or cultivating of the tenant within the meaning of this section:

Provided

Provided that no tenant shall acquire, under this section, a right of occupancy—

Tenants barred from right of occupancy.

(*a.*) in land which he holds from an occupancy-tenant, or from an exproprietary tenant, or from a tenant at fixed rates;

(*b.*) in sír-land;

(*c.*) in land held by him in lieu of wages.

Provided also that, when a tenant actually occupies or cultivates land under a written lease without having a right of occupancy in such land, the period of twelve years necessary for acquiring a right of occupancy therein by him or any one claiming under him shall begin on the expiration of the term of such lease. If during the currency of such lease he ceases to occupy the land comprised therein, and sublets it to another, no right of occupancy in such land shall be acquired by the sub-lessee during the currency of the lease.

Time excluded from reckoning period necessary for acquiring right of occupancy.

9. The right of tenants at fixed rates shall be heritable and transferable.

Rights under sections 7 and 8 when transferable.

No other right of occupancy shall be transferable by grant, will or otherwise, except as between persons who have become by inheritance co-sharers in such right.

When any person entitled to such last-mentioned right dies, the right shall devolve as if it were land: Provided that no collateral relative of the deceased who did not then share in the cultivation of his holding shall be entitled to inherit under this section.

10. On the application of any tenant to have his class of tenure determined, the Collector of the District or Assistant Collector shall determine the class to which he belongs, namely—

Determination of class of tenure of tenant.

whether he is a tenant at fixed rates,

or an exproprietary tenant,

or an occupancy-tenant,

or whether he is a tenant without a right of occupancy.

11. The

Bar to enhancement of rent of tenants at fixed rates.

11. The rent paid by tenants at fixed rates shall not be liable to enhancement.

Enhancement in case of expropriatary and occupancy-tenants.

12. The rent paid by expropriatary or occupancy-tenants shall not be liable to enhancement except—

(*a*) by a written agreement registered under the Indian Registration Act, 1871, or recorded before the patwárí of the village or the kánúngo : or

(*b*) by order of a Settlement Officer passed under the law for the time being in force : or

(*c*) by order under this Act.

Grounds of enhancing rent of occupancy-tenants which has not been fixed by order.

13. Where the rent of any occupancy-tenant has not been fixed by order of a Settlement Officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by any such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section sixteen has occurred,

the landholder may apply to enhance the rent of such tenant on one of the following grounds and on no others :—

(*a*) that the rate of the rent paid by such tenant is below the prevailing rate payable by the same class of tenants for land of similar quality with similar advantages ;

(*b*) that the value of the produce has, or the productive powers of the land have, been increased otherwise than by the agency or at the expense of the tenant ;

(*c*) that the quantity of land held by the tenant has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

Enhancement of rent of expropriatary tenants which has not been fixed by order.

14. *a.* Where the rent of any expropriatary tenant has not been fixed by order of a Settlement Officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section sixteen has occurred,

the landholder may apply to enhance or determine the rent of such tenant as if he were an occupancy-tenant: Provided that his rent shall be four annas in the rupee below the prevailing rate for land of a similar quality with similar advantages held by tenants-at-will.

Selection of land for comparison.

b. Whenever the district or tahsíl, or other local area in which such land is situated, has been divided by the Settlement Officer into circles of like capacity and soil, the land of similar quality, with similar advantages, shall, for the purposes of this section and section thirteen, be selected from the same circle.

c. When the Settlement Officer has not so divided the district or other local area as aforesaid, the land regarding which the application has been made shall be compared with land of similar quality and with similar advantages, in the same tahsíl or in a tahsíl immediately adjacent.

Abatement in like cases.

15. Where the rent of any exproprietary tenant or occupancy-tenant has not been fixed by order of a Settlement Officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section sixteen has occurred,

the tenant may apply for an abatement of his rent on one of the following grounds, and on no others :—

(*a*) that the area of the land held by him has been diminished by diluvion or otherwise:

(*b*) that the value of the produce has, or the productive powers of such land have, been decreased by any cause beyond his power.

Time of enhancement or abatement where rent of

16. Subject to the provisions of section seventeen, where the rent of any exproprietary or occupancy-tenant

expropriatory or occupancy-tenant has been fixed by order under this Act.

tenant has been fixed by an order under this Act, such rent shall not be liable to be enhanced or abated

(*a*) until the expiration of ten years from the date on which such order took effect, or

(*b*) until the revision (before confirmation) of the assessment of the district by order of the Local Government, or

(*c*) until the conclusion of the period of settlement of the district,

whichever of the said three events first occurs.

Grounds of enhancement and abatement where his rent has been fixed by order of a Settlement Officer or under this Act.

17. Where the rent of any expropriatory or occupancy-tenant has been fixed by order of a Settlement Officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act, the landholder may apply to enhance the rent of such tenant during the currency of the term for which the rent has been so fixed, on one of the following grounds, and on no others :—

(*a*) that the area of the tenant's holding has been increased by alluvion or otherwise;

(*b*) that the productive powers of the land held by the tenant have, since the date of the order, been increased otherwise than by the agency or at the expense of the tenant:

And the tenant may apply for abatement of his rent on one of the following grounds, and on no others :—

(*c*) that the area of the land held by him has been diminished by diluvion or otherwise;

(*d*) that the productive powers of such land have been decreased by any cause beyond his control.

Grounds of enhancement or abatement of rent of tenant at fixed rates.

18. In the case of a tenant at fixed rates, the landholder may apply to enhance his rent on the ground that the area of the land in his holding has been increased by alluvion or otherwise,

and the tenant may apply for abatement of his rent on the ground that the area of the land in his holding has been diminished by diluvion or otherwise.

Day before which applications for enhancement

19. Applications for enhancement or abatement of rent must be made on or before the thirty-first day of December next before the year commencing on the first

first day of July from which the rent is to be enhanced or abated,

or abatement must be made.

and all orders for enhancement or abatement shall take effect from the first day of July next following the date of the application.

Orders when to take effect.

20. In determining, under this chapter, the rate of rent payable by any tenant, his caste shall not be taken into consideration, unless it is proved that, by local custom, caste is taken into account in determining such rate;

Consideration of caste and class of tenant in determining rate of his rent.

and whenever it is found that, by local custom or practice, any class of persons, by reason of their having formerly been proprietors of the soil or otherwise, hold land at favourable rates of rent, the rate shall be determined in accordance with such custom or practice.

21. No tenant-at-will of land shall be liable to pay rent in excess of the rent (if any) payable by him in the previous year ending on the thirtieth day of June, unless the landholder and tenant have agreed as to the rent to be paid to the former by the latter, and such agreement has been recorded by the patwárí of the village or the kánúngo of the pargana in which such land is situate.

Tenants-at-will.

22. Notwithstanding anything hereinbefore contained, when the rent of any exproprietary or occupancy-tenant has been fixed by agreement between the parties, such rent shall not be liable to enhancement or abatement for such term as may be agreed on.

Rent of exproprietary or occupancy-tenant fixed by agreement.

23. Whenever in any land the crops have been damaged or destroyed by any cause beyond the tenant's control, any officer empowered by the Local Government in this behalf may, subject to such rules as to appeal, confirmation or otherwise, as may from time to time be prescribed by the Board, order that the whole or any part of the rent then payable for such land shall be remitted, or that the payment thereof shall be suspended for such period as he thinks fit;

Power to remit or suspend payment of rent where crops have been damaged.

And, subject to the same rules, the landholder shall be bound by such order:

And

And in case of such remission, the Local Government shall remit the revenue due in respect of such land to an amount which shall, at the option of the Local Government, be equal to one-half of the rent remitted, or shall bear the same proportion to the whole of the revenue due in respect of the mahál, as the rent remitted bears to the whole of the rent payable in respect of such mahál;

And in case of such suspension, the Local Government shall suspend for the period of such suspension so much of the revenue payable in respect of the mahál as, at the option of the Local Government, is equal to one-half of the rent of which the payment has been suspended, or bears the same proportion to the whole revenue payable in respect of the mahál, as the rent of which the payment has been suspended bears to the whole rent payable in respect of such mahál.

(A)—Leases.

Contents of lease to which every tenant is entitled.

24. Every tenant is entitled to receive from the landholder, and may at any time during the continuance of his holding apply for, a lease containing the following particulars :—

(*a*) the quantity of land held by him, and, where the fields have been numbered in a Government survey, the number of each field :

(*b*) the amount of annual rent payable for such land :

(*c*) the instalments in which, and the dates on which, such rent is to be paid :

(*d*) any special conditions of the lease :

(*e*) if the rent is payable in kind, or is calculated on a valuation of the produce, the proportion of produce to be delivered, the mode of valuation, and the time, manner and place of delivery.

Leases to which tenants at fixed rates are entitled.

25. Tenants at fixed rates are entitled to receive leases at such rates.

26. Exproprietary

26. Exproprietary and occupancy-tenants are entitled to receive leases at the rates hitherto paid by them, or determined in accordance with the provisions of this Act.

Leases to which exproprietary and occupancy-tenants are entitled

27. All other tenants are entitled to leases only on such terms as may be agreed upon between them and the landholders.

Leases to which other tenants are entitled.

28. Every landholder who grants a lease is entitled to receive a reciprocal engagement from the tenant, executed by the tenant, and conformable with the terms of the lease.

Landholder granting lease entitled to reciprocal engagement.

The tender to any tenant of a lease, such as he is entitled to receive, shall entitle the landholder to receive a reciprocal engagement from such tenant.

29. If any lease be granted, or if any agreement be entered into, by any landholder under engagement with Government for his land, fixing the rent of land for any period exceeding the term of such engagement, such lease or agreement shall, on the expiration of the term aforesaid, be void at the option of either party.

Lease for period exceeding term of landholder's engagement.

30. *a.* And whereas all grants (whether in writing or otherwise) for holding land exempt from the payment of rent which have been made since the first day of December 1790, by any authority other than that of the Governor-General in Council, were declared by Bengal Regulation XIX of 1793, section ten, to be null and void, and like provisions have been by divers Regulations applied to the several parts of the territories to which this Act extends, and the said Regulation XIX of 1793 also provided that no length of possession should be considered to give validity to any such grant, either with regard to the property in the soil or the rents of it, it is hereby enacted as follows:—

Resumption of rent-free grants.

b. Applications by the proprietor to resume such grants or to assess rent on the land, shall be made to the Collector of the District or Assistant Collector, and, subject to rules to be made under section two hundred and eleven, shall be dealt with as other applications under this Act.

Applications to resume.

c. Grants

Validity of grants which grantor has expressly agreed not to resume.

c. Grants of land held under a written instrument, by which the grantor expressly agrees that the grant shall not be resumed, shall be held valid as against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate, which is current at the date of the grant.

When rent-free tenure confers proprietary right.

d. Where any land has been for fifty years or upwards, and still is, held rent-free and by at least two successors to the original grantee, such holding shall be deemed to confer on the holder a proprietary right.

e. Nothing in the Indian Limitation Act, 1871, shall bar the right to make an application under this Act to assess to rent land held rent-free.

f. Nothing in this section shall apply to either of the following cases:—

(1) Where land is previously to the passing of this Act held rent-free under a judicial decision:

(2) Where, previously to the passing of this Act, land held rent-free has been purchased for a valuable consideration and resumption thereof has been barred under Act No. X of 1859, section twenty-eight, or under the Indian Limitation Act, 1871, schedule II, No. 130.

(*B*)—*Relinquishment and Ejectment.*

Relinquishment of land by tenant not holding under a lease.

31. Every tenant not holding under a lease shall continue liable for the rent of the land in his holding for the ensuing year, unless on or before the first day of May in any year he gives notice in writing to the landholder, or his recognized agent, of his desire to relinquish such land on the thirtieth day of June next ensuing, and relinquishes it accordingly; or unless it is let to any other person by such landholder or agent.

Service through tahsíldár of notice of relinquishment.

32. If the landholder or his agent refuse to receive such notice, or if he receive it but refuse to sign a receipt for the same, the tenant may make an application to the tahsíldár, who shall thereupon cause the notice to be served on such landholder or agent, the tenant paying the costs of service.

33. The

33. The notice shall, if practicable, be served personally on the landholder or his agent; but if the landholder or his agent cannot be found, or if he evades service of the notice, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupál*, or other conspicuous place in the village where the land is situate.

Mode of serving notice.

Where the delay in serving the notice is owing to the fault of the landholder or his agent, the notice shall be deemed to have been served at the first attempt to serve it.

34. *a*. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on such arrear at one per cent. per mensem; and if the arrear remains due on the thirtieth day of June, to be ejected from the land in respect of which the arrear is due.

Liability of tenant to pay interest on arrear and to be ejected.

b. No tenant at fixed rates, expropriatory tenant, occupancy-tenant, or tenant holding under an unexpired lease, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Bar to ejectment without decree.

c. No ejectment of a tenant or forfeiture of a lease shall be decreed on account of any act or omission of the tenant

Ejectment not to be decreed for certain acts or omissions.

(1) which is not detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let, or

(2) which by law, custom, or special agreement does not involve the forfeiture of the lease.

35. If the landholder desire to eject a tenant at fixed rates, an expropriatory tenant, an occupancy-tenant, or a tenant holding under an unexpired lease, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the expiration of the year, ending on the thirtieth day of June, in which such arrears accrued, apply to the Collector of the District or Assistant Collector to eject the tenant.

Ejectment of tenant at fixed rates, expropriatory, with right of occupancy, or holding under unexpired lease.

Such officer shall, on receiving such application, (subject to the provisions of the Indian Limitation Act,

Act, 1871, and of section one hundred and sixty-two of this Act) cause a notice to be served on the tenant, stating the amount due under the decree, and informing him that if he does not pay such amount into Court within fifteen days from receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Collector of the District or Assistant Collector may eject the tenant.

Service of notice on tenant for limited period.

36. If the landholder desire to eject a tenant not having a right of occupancy, or any other tenant holding only for a limited period, after the determination of his tenancy, he may cause a written notice of ejectment to be served on such tenant under the provisions of this Act.

Language and contents of notice.

37. The notice of ejectment shall be written in the vernacular language and character of the district:

it shall specify the land from which the tenant is to be ejected;

and it shall inform him that he must vacate such land on or before the first day of May next following; or that, if he means to contest the right to eject him, he must apply to the Collector of the District or Assistant Collector for that purpose on or before that date.

Mode of serving notice.

38. The notice shall be issued and served through the office of the tahsíldár on or before the first day of April, and the landholder shall pay the cost of service: it shall be served personally on the tenant, if practicable; but if he cannot be found, service may be made by affixing the notice to his usual place of residence.

Effect of failure of tenant to institute suit to contest liability to ejectment.

39. *a.* The tenant, on whom such notice has been served, may, on or before the first day of May next after the service, make an application to the Collector of the District or Assistant Collector, contesting his liability to be ejected.

b. When such an application is made, the Collector of the District or Assistant Collector shall proceed to determine the question between the parties.

c. If no such application is made, the tenancy of the land in respect of which the notice has been served

served shall be held to cease on the first day of May next after the service; unless, after such service, the landholder authorises the tenant to continue in the occupation of the land.

Procedure to enforce ejectment.

40. If the landholder require assistance to eject the person whose tenancy is alleged to have ceased under the provisions of section thirty-nine, he may apply to the Collector of the District or Assistant Collector for such assistance before the ploughing for the *kharíf* harvest commences in the district; and the Collector of the District or Assistant Collector shall order the ejectment of such tenant if he is satisfied—

(*a*) that the notice was duly served on such tenant under section thirty-eight;

(*b*) that he has not been authorised by the landholder to continue in occupation;

(*c*) that the tenant has not made the application mentioned in section thirty-nine; or

(*d*) that if such application has been made, the question has been determined adversely to the tenant.

Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received if the lease be of the kind in which an advance has been made by the leaseholder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the landholder must proceed by suit in the Civil Court.

Notice of ejectment when void.

41. If the landholder expressly authorise the tenant, on whom the notice of ejectment has been served, or against whom any proceedings in ejectment under section forty have been taken, to remain in occupation of the land, and to prepare it for the *kharíf* harvest, the proceedings shall become void.

Rights of ejected tenant.

42. *a.* Any tenant ejected in accordance with the provisions of this Act, shall be entitled to any growing crops or other ungathered products of the earth belonging to the tenant, and growing on the land at the time of his ejectment, and to use the land for the

purpose

purpose of tending and gathering in such crops or other products, paying adequate rent therefor.

Effect of tender by landholder of payment for crops.

b. Provided that, if the landholder desire to purchase such crops or other products, he may tender their price to the tenant; and thereupon the right of the tenant to such crops and other products, and to use the land for the purpose aforesaid, shall cease.

Power to determine rent and price.

c. In the case of a dispute under this section, the Collector of the District or Assistant Collector may, on the application of the landholder or tenant, award the rent and price so payable; and the amount of such award, or of any tender accepted under this section, shall be recoverable as an arrear of rent by suit under this Act.

Set-off of rent.

d. The rent, if any, payable to the landholder by the tenant at the time of his ejectment may be set-off against the price of the said crops or other products.

Application for officer to divide produce or appraise crop.

43. *a.* Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a like nature, requiring the presence both of the cultivator and landholder, either personally or by agent,

if either landholder or tenant, personally or by agent, neglect to attend at the proper time, or if there is a dispute as to the amount or value of the crop,

an application may be presented by either party to the Collector of the District or Assistant Collector, requesting that a proper officer be deputed to make the division, estimate, or appraisement.

Procedure on such application.

b. On receiving such application, the Collector of the District or Assistant Collector shall issue a written notice to the opposite party or his agent, to attend on the date and at the time specified in the notice, and shall depute an officer before whom such division, estimate, or appraisement shall be made.

c. If on or before the date appointed, the dispute has not been amicably adjusted, three residents of the village or neighbourhood shall be appointed assessors; one by each of the parties, and one by the officer deputed to divide the grain or estimate or appraise

appraise the crops, and the officer deputed shall decide the amount of rent payable by their award, and shall give to the party applying a written authority to divide the grain or cut the crops.

d. Provided that, if either party fail to attend, the officer deputed shall nominate an assessor on his behalf.

e. The officer deputed shall report his proceedings to the Collector of the District or Assistant Collector, who shall determine the amount of costs properly incurred under this section, and the share of the costs to be paid by either party.

(*C.*)—*Compensation for Improvements made by Tenants.*

Tenants' right to compensation for improvements.

44. If any tenant, or any person from whom he has inherited or purchased, make any such improvements on the land in his possession as are hereinafter mentioned, neither he nor his representative shall be ejected from the same land without payment of compensation for such improvements.

Explanation.—The word "improvements" as used in this section means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

(*a*) tanks, wells and other works for the storage, supply or distribution of water for agricultural purposes,

(*b*) works for the drainage of land, or for the protection of land from floods, or from erosion or other damage by water,

(*c*) the reclaiming, clearing, or enclosing of lands for agricultural purposes,

(*d*) the renewal or re-construction of any of the foregoing works, or alterations therein, or additions thereto.

Mode of making compensation.

45. Such compensation may, at the option of the landholder or his representative, be made—

1*st*,—by payment in money;

2*nd*,—by a rent to be charged on the land;

3*rd*,—by

3rd,—by the grant of a beneficial lease of the land, by the landholder or his representative, to the tenant or his representative;

4th,—partly by one or by any two of the said ways, and partly by the others or other of the same ways.

Settlement of difference as to amount or value of compensation.

46. In case of difference as to the amount or value of the compensation tendered, either party may apply to the Collector of the District or Assistant Collector stating the matter in dispute, and requesting a determination thereof.

On receiving such application, the Collector of the District or Assistant Collector shall

(*a*) cause notice thereof to be served on the other party,

(*b*) take such evidence as the parties or either of them may adduce,

(*c*) make such further inquiry as the Collector of the District or Assistant Collector may deem necessary, and

(*d*) determine the amount of the payment in money, and the amount and incidence of the rent-charge, and the terms of the lease, or any of such matters.

Considerations in determining compensation.

47. In determining the amount or value mentioned in section forty-six, or the terms of such lease, the Collector of the District or Assistant Collector shall take into account any assistance given to the tenant by the landholder either directly in money, material or labour, for the purpose of making such improvements, or indirectly by allowing the tenant to hold at a favourable rate of rent.

(*D.*)—*Compensation for wrongful Acts and Omissions.*

Right of tenant to compensation for exactions in excess of rent or for withholding receipt.

48. Every tenant from whom any sum is exacted in excess of the rent specified in his lease or payable under the provisions of this Act,

and every tenant from whom a receipt is withheld for any sum of money paid by him as rent,

shall

shall be entitled to recover from the landholder compensation not exceeding double the amount so exacted or paid.

Receipts for rent shall specify the period or crop on account of which the rent is acknowledged to have been paid; Contents of receipt.

and any refusal to make such specification shall be held to be a withholding of a receipt.

49. If payment of rent, whether the same be legally due or not, is extorted from any tenant by illegal confinement or other duress, he shall be entitled to recover from the person guilty of such extortion such further compensation, not exceeding the sum of two hundred rupees, as the Collector of the District or Assistant Collector thinks reasonable. Damages for extorting payment of rent by duress.

An award of compensation under this section shall not bar or affect any penalty or punishment to which the person guilty of such extortion may be subject under the Indian Penal Code. Liability to punishment for extortion not affected.

(E.)—Deposit of Rent in Court.

50. If any tenant tenders to the landholder full payment of the rent due from him, and if the amount so tendered be not accepted, and a receipt for the amount forthwith granted, the tenant may thereupon apply to the Collector of the District or Assistant Collector for leave to deposit such amount in his Court to the credit of the landholder. Deposit of amount tendered by tenant and refused.

51. The application to the Collector of the District or Assistant Collector shall be as nearly as may be in the form (A) in the first schedule hereto annexed, and shall be verified in the manner prescribed for the verification of plaints under section one hundred and seven: Form and verification of application

and the person making the verification shall be punishable, if the application contain any averment which he knows or believes to be false, or does not know or believe to be true. Penalty for false statement.

52. The Collector of the District or Assistant Collector shall receive the amount which the tenant desires to deposit, and shall thereupon issue to the Notice to issue on deposit being made.

person

person to whose credit it has so been deposited, a notice in English or the vernacular language of the district in the form (B) in the first schedule hereto annexed, or to the like effect.

And such deposit shall, in all questions between the landholder and the tenant, be deemed to be a payment made by the tenant to the landholder on account of the rent.

Mode of serving notice.

53. Such notice shall be served through the tahsíldár upon the person to whom it is addressed, or upon his recognized agent.

In their absence, the notice shall be affixed at the *chaupál*, or other conspicuous place in the village in which the land for which the rent is due is situate.

Payment to person served with notice on his application.

54. If at any time before the expiration of three years from the date of the deposit the person on whom such notice is served, or his recognized agent, appears, and applies that the money in deposit be paid to him, it shall be paid accordingly, unless it has been repaid or paid in accordance with the provisions next hereinafter contained.

Refund to depositor.

55. If no application be made by such person or his recognized agent, the sum shall be repaid to the depositor on the expiration of three years from the date of the deposit.

And at any time before the expiration of such period, on the joint application of the depositor and the person to whose credit the said sum was deposited, such sum shall be paid in such manner as the joint applicants desire.

CHAPTER III.

DISTRESS.

Produce of land hypothecated for rent.

56. The produce of all land in the occupation of a cultivator shall be deemed to be hypothecated for the rent payable in respect of such land;

Recovery of arrears by distress.

and when an arrear of rent is due from any cultivator, the person entitled to receive rent immediately from him may, instead of suing for the arrear as hereinafter

hereinafter provided, recover the same by distress and sale of the produce of the land in respect of which the arrear is due, under the rules contained in this chapter.

57. Provided—

(*a.*) that when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to be distrained:

Distress of produce barred by security given for rent.

(*b.*) that no sharer in any mahál shall have power to distrain upon any cultivator unless he is entitled to collect the whole rent from such cultivator:

Sharer when entitled to distrain.

(*c.*) that no sharer in a joint undivided mahál shall exercise such power otherwise than through a manager authorized to collect the rents of the whole mahál on behalf of all the sharers therein:

Distress by manager

(*d.*) that in pattídárí maháls distress shall be made only through a lambardár, or, where the rent of a pattí is not collected by a lambardár, through the pattídár who is entitled to collect the rent.

Distress in pattídárí maháls.

58. A distress shall not be made for any arrear which has been due in respect of any land for a longer period than one year:

No distress for over-due arrear, nor, without agreement, for excess over past year's rent.

nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless the rent has been enhanced under the provisions hereinbefore contained, or by order of a Settlement Officer, or unless the cultivator has agreed to pay such excess and such agreement has been attested before the patwárí or kánúngo.

59. The power to distrain conferred by sections fifty-six and fifty-seven may be exercised by managers under the Court of Wards, and other persons lawfully entrusted with the charge of immoveable property;

Distress by managers under Court of Wards, &c.

and also by the agents employed by such persons as aforesaid, in the collection of rent, if expressly authorized by power-of-attorney in that behalf:

If any wrongful act is committed by any such agent, under colour of the exercise of the said power, such

Liability for illegal act

such agent and his principal shall be jointly and severally liable to make compensation for such act.

Written authority to servants employed to distrain.

60. When any person, empowered to distrain property under section fifty-six, section fifty-seven or section fifty-nine, employs a servant or other person to make the distress, he shall give him a written authority for the same, and the distress shall be made in the name of the person giving such authority.

Standing crops and crops gathered liable to distress.

61. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with power to distrain under the provisions of this Act.

Exception.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to be distrained under this Act.

Defaulter to be served with written demand and account.

62. Before or at the time when a distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Mode of service.

The demand and account shall, if practicable, be served personally on the defaulter; or, if he abscond or conceal himself, so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to arrear.

63. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid equal in value, as nearly as may be, to the amount of the arrear and the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or, if he be absent, affix it at his usual place of residence.

List of property to be prepared and copy served on owner.

Standing crops, &c., when distrained, may be reaped and stored.

64 *a.* Standing crops and other ungathered products may, notwithstanding the distress, be reaped and gathered by the cultivator, and he may store the same

same in such granaries or other places as are commonly used by him for the purpose.

b. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

c. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose.

d. Crops or products which, from their nature, do not admit of being stored, may be sold before they are reaped or gathered, under the rules hereinafter provided; but in such case, the distress shall be made at least twenty days before the time when the crops, or products, or any part of the same are fit for reaping or gathering.

Sale of products which cannot be stored.

65. If a distrainer is opposed, or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Collector of the District or Assistant Collector, who may, if he thinks necessary, depute an officer to assist the distrainer in making the distress.

Assistance to distrainer opposed or apprehending resistance.

66. If at any time after property has been distrained and before the day fixed for putting it up to sale as hereinafter provided, the owner of the property tenders payment of the arrear demanded of him, and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn on tender of arrear and expenses before sale.

67. Within five days from the time of the storing of any distrained crops or products,

or, if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress,

the distrainer shall apply for sale of the same to the officer for the time being authorized by the Local Government to sell distrained property within the tahsíl in which they are situate.

Application for sale.

68. The

Contents of application.

68. The application shall be in writing, and shall contain—

(*a*) an inventory or description of the property distrained,

(*b*) the name of the defaulter and his place of residence,

(*c*) the amount due, and the date of the distress, and

(*d*) the place in which the distrained property is.

Fee for service of notice.

Together with the application, the distrainer shall deliver to the said officer the fee for the service of a notice upon the defaulter as hereinafter provided.

Procedure on receipt of application.

69. Immediately on receipt of the application, the said officer shall send a copy of it to the Collector of the District or Assistant Collector;

and shall serve a notice in the form (C) contained in the first schedule hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector of the District, or Assistant Collector, within the period of fifteen days from the receipt of the notice.

He shall at the same time send to the Collector of the District or Assistant Collector, for the purpose of being put up in his office and in the office of the tahsíldár, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain—

(*a*) a description of the property,

and shall specify—

(*b*) the demand for which it is to be sold, and

(*c*) the place where the sale is to be held.

Suspension of sale on

70. If a suit is instituted before the Collector of the District or Assistant Collector in pursuance of the aforesaid

aforesaid notice, the Collector of the District or Assistant Collector shall send to the officer referred to in section sixty-seven, or, if so requested, shall deliver to the owner of the distrained property, a certificate of the institution of such suit;

receipt of Collector's certificate of institution of suit.

and on such certificate being received by, or presented to, the said officer, he shall suspend the sale.

71. A person whose property has been distrained in manner hereinbefore provided, may immediately after the distress, and before the issue of notice of sale, institute a suit to contest the demand of the distrainer.

Suit to contest distrainer's demand before issue of notice of sale.

When such suit is instituted, the Collector of the District or Assistant Collector shall proceed in the manner prescribed in the last preceding section.

If, thereafter, application for the sale of the property is made to the said officer, he shall send a copy of the application to the Collector of the District or Assistant Collector, and suspend further proceedings, pending the decision of the case.

72. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with a surety, binding himself to pay whatever sum may be adjudged to be due from him, with interest and costs of suit;

Distress when to be withdrawn.

and when such bond is executed, the Collector of the District or Assistant Collector shall give to the owner of the property a certificate to that effect, and, if so requested, shall serve the distrainer with notice of the same;

and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Collector of the District or Assistant Collector, the property shall be released from distress.

73. If the institution of a suit to contest the demand of the distrainer has not been certified, in manner hereinbefore provided, to the said officer, on or before the day fixed in the proclamation of sale, he shall, unless the said demand, with such costs of the distress

When sale may be proceeded with.

distress as are allowed by him, be discharged in full, proceed, in manner hereinafter mentioned, to sell the property or such part of it as may be necessary to satisfy the demand with the costs of distress and sale.

Place of sale.

74. The sale shall be held at the place where the distrained property is, or at the nearest place of public resort, if the said officer is of opinion that it is likely to sell there to better advantage.

Manner of sale.

The property shall be sold by public auction, in one or more lots, as the officer holding the sale may think advisable ;

Withdrawal of distress when demand and costs satisfied.

and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

If fair price be not offered, sale may be postponed and shall be then completed.

75. If, on the property being put up for sale, a fair price (in the estimation of the officer holding the sale) be not offered for it, and if the owner of the property, or some person authorized to act on his behalf, apply to have the sale postponed until the next day, or, if a market be held at the place of sale, the next market-day, the sale shall be postponed until such day and shall be then completed whatever price may be offered for the property.

Payment of purchase-money.

76. The price of every lot shall be paid for in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks necessary ;

Resale on default.

and, in default of such payment, the property shall be put up again and sold.

Certificate to purchaser.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate, describing the property purchased by him and the price paid.

Deduction, from proceeds, of costs of sale.

77. From the proceeds of every sale of distrained property under this Act, the officer holding the sale shall make a deduction at the rate of one anna in the rupee on account of the costs of the sale, and shall send the amount so deducted to the Collector of the District or Assistant Collector.

He

He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress, and of the issue of the notice and proclamation of sale prescribed in section sixty-nine, to such amount as, after examining the statement of expenses furnished by the distrainer, he thinks proper to allow.

Payment of distrainer's expenses.

The remainder shall be applied to the discharge of the arrear for which the distress was made, with interest thereon up to the day of sale;

Discharge of arrear with interest.

and the surplus (if any) shall be delivered to the person whose property has been sold.

Surplus.

78. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

Sale-officers and employees prohibited from purchasing.

79. Officers holding sales under this chapter are required to bring to the notice of the Collector of the District or Assistant Collector any material irregularities committed by distrainers under colour of this Act;

Report of irregularities by distrainer.

and if, in any case, on proceeding to hold any such sale, the officer holding it find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector of the District or Assistant Collector, who shall thereupon direct the issue of another notice and proclamation of sale under section sixty-nine, or pass such other order as he thinks fit.

Postponement of sale, and report to Collector when owner has not received due notice.

Order of Collector.

80. When an officer goes to any place for the purpose of holding a sale under this Act, and no sale takes place, either for the reason stated in section seventy-nine, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property.

Levy of charge when sale-officer attends, and no sale takes place.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge for expenses shall be

Recovery from owner.

be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary.

Recovery from distrainer.

In every other case it shall be paid by the distrainer, and may be recovered by attachment and sale of his property under the warrant of the Collector of the District or Assistant Collector:

Limit to charge.

Provided that in no case shall a larger amount than ten rupees be recoverable under this section.

Order of sale when amount adjudged due.

81. When a suit has been instituted to contest the demand of a distrainer, and the distrained property has not been released on security, if the demand or any portion of it is adjudged to be due, the Collector of the District or Assistant Collector shall issue an order to the officer authorizing the sale of such property;

Second proclamation of sale.

and, on the application of the distrainer within five days from the receipt of such order by the officer, such officer shall publish a second proclamation in the manner prescribed in section sixty-nine, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation;

Sale on failure to pay debt and costs.

and, unless the amount adjudged to be due with the costs of distress be paid, shall proceed to sell the property in the manner hereinbefore provided.

In suit to contest his demand, distrainer to prove arrear.

82. *a.* In all suits instituted to contest the distrainer's demand, he shall be required to prove the arrear in the same manner as if he had himself brought a suit for the amount under the provisions hereinafter contained.

Recovery of amount decreed in favour of distrainer.

b. If the demand or any part thereof is found to be due, the Collector of the District or Assistant Collector shall make a decree for the amount in favour of the distrainer, and such amount may be recovered by sale of the property, as provided in the last preceding section, if the distress has not been withdrawn;

and, if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter,

or

or if the property have been released on security, by execution of the decree against the person and property of the defaulter and of his surety.

c. If the distress is adjudged to be vexatious or groundless, the Collector of the District or Assistant Collector, besides directing the release of the distrained property, may award such compensation to the plaintiff as the circumstances of the case require.

Compensation in case of vexatious distress.

83. *a.* If any person claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him, may institute a suit to contest the demand.

Suit by person claiming property distrained for arrears alleged to be due from another.

b. When any such suit is instituted, the property may be released upon security being given for the value of the same.

Release of property on security being given.

c. If the claim is dismissed, the Collector of the District or Assistant Collector shall make an order for the sale of the property, or for the recovery of the value thereof, as the case may be, for the benefit of the distrainer.

Order of Collector when claim dismissed.

d. If the claim is upheld, the Collector of the District or Assistant Collector shall decree the release of the distrained property with costs, and such compensation (if any) as the circumstances of the case require:

Decree for release and compensation when claim upheld.

e. Provided that no claim to any produce of land liable to distress under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any Civil Court prevail against such prior claim.

Saving of prior claim of person entitled to rent of land.

84. If, in any case in which property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, the right to distrain

Procedure where right to distrain is claimed by

person other than distrainer.

train for such arrears is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the time of the commencement of the suit shall be enquired into, and in deciding the suit the result of such inquiry shall be taken into consideration:

Saving of right to sue in Civil Court.

Provided that the decision of the Collector of the District or Assistant Collector shall not affect the right of any person who may have a legal title to the rent of the land, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Persons prevented from suing in time to save property from sale, may sue for damages.

85. If any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by section ninety-four, and his property is in consequence brought to sale, he may, nevertheless, institute a suit under this Act to recover compensation for the illegal distress and sale of his property.

Wrongful acts of distrainer.

86. If any person empowerd to distrain property, or employed for the purpose under a written authority by a person so empowered, distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when it is required to be withdrawn by any provision of this Act,

the

the owner of the property may institute a suit under this Act to recover compensation for any injury which he has thereby sustained through any act or omission mentioned in the former part of this section.

Suit by owner against person distraining or selling without authority.

87. If any person not empowered to distrain property under section fifty-six, fifty-seven or fifty-nine, nor employed for the purpose under a written authority by a person so empowered, fraudulently distrains or sells, or causes to be sold, any property under colour of this Act, the owner of the property so distrained or sold may institute a suit under this Act to recover compensation from such person for any injury which the plaintiff has sustained from the distress or sale,

Penalty in addition to damages.

and the defendant shall be held to have committed criminal trespass, and shall be subject to the penalties provided for that offence by the Indian Penal Code in addition to any damages which may be awarded against him in such suit.

Limitation of suits under sections 85, 86, 87.

88. Provided that every suit instituted under any of the three last preceding sections shall be commenced within the period allowed by section ninety-four.

Procedure in case of resistance of distress.

89. *a.* If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Collector of the District or Assistant Collector in charge of the Sub-division, upon complaint being made within fifteen days from the date of such resistance or removal, shall cause the person accused to be arrested and brought with all convenient speed before the Collector or Assistant Collector, who shall, if possible, proceed forthwith to try the case.

b. If the case cannot be at once heard, the Collector of the District or Assistant Collector may, if he think fit, require the party arrested to give security for his person, and, in default of such security, may commit him to the civil jail until the case is tried,

and if the offence be proved and the offender be the owner of the property concerned, the Collector of the District or Assistant Collector may order him to be

be imprisoned in the civil jail for a term not exceeding six months, unless the whole arrear due to the distrainer, with all expenses and costs, is previously to the expiration of such term paid or levied under warrant of the Collector of the District or Assistant Collector by distress and sale of the property of the offender.

c. If the offender be not the owner of the property concerned, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred rupees, or, in default of payment thereof, to imprisonment in the civil jail for a period not exceeding two months.

Proceedings of officers subject to revision and orders of Collector.

90. All proceedings of officers distraining, or assisting distrainers, or holding sales, under this chapter, shall be subject to the revision and orders of the Collector of the District or Assistant Collector in charge of a Sub-division of the District.

CHAPTER IV.

PROCESS.

Mode of serving process.

91. *a.* Every process issued by a Collector of a District or Assistant Collector under this Act shall be under his seal and signature, and shall be served or executed by the Názir, or by such other officer as the Collector of the District or the Assistant Collector may direct, at the cost of the party at whose instance it is issued.

Deposit before issue.

b. The amount of such cost, and, in the case of summons to a witness, the sum required for his travelling expenses, shall be deposited in Court before the process is issued:

Power to direct service gratis.

c. Provided that, if in any case the Collector of the District or the Assistant Collector is satisfied that a party is unable to pay the cost of any necessary process, he may direct such process to be served free of charge.

Punishment for resisting process.

92. Any resistance or opposition to the lawful process of a Collector of the District or Assistant Collector under this Act, may be punished by him according

according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of civil justice.

When, in any such case, the offender is not present, the Collector of the District or Assistant Collector may summon him to answer to the charge: and if after due service of the summons he fail to attend, may issue a warrant for his apprehension.

Power to issue summons and warrant.

CHAPTER V.

JURISDICTION OF COURTS.

93. Except in the way of appeal as hereinafter provided, no Courts other than Courts of Revenue shall take cognizance of any dispute or matter in which any suit of the nature mentioned in this section might be brought, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act, and not otherwise:

Suits cognizable by Revenue Courts only.

(*a*) suits for arrears of rent on account of land or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits to eject a tenant for any act or omission detrimental to the land in his occupation or inconsistent with the purpose for which the land was let;

(*c*) suits to cancel a lease for the breach of any condition binding on the tenant, and which, by law, custom or special agreement, involves the forfeiture of the lease;

(*d*) suits for the recovery of any over-payment of rent, or for compensation under section forty-eight or forty-nine;

(*e*) suits for compensation for withholding receipt for rent paid;

(*f*) suits for contesting the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in the exercise of the said power, or for compensation for wrongful acts or omissions of a distrainer;

(*g*) suits

(*g*) suits by lambardárs for arrears of Government revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues for which the co-sharers may be responsible to the lambardár;

(*h*) suits by co-sharers for their share of the profits of a mahál, or any part thereof, after payment of the Government revenue and village-expenses, or for a settlement of accounts;

(*i*) suits by muáfídárs, or assignees of the Government revenue, for arrears of revenue due to them as such;

(*j*) suits by taluqdárs and other superior proprietors, for arrears of revenue due to them as such.

Limitation of suits under this Act.

94. Suits for arrears of rent or revenue, or for a share of the profits of a mahál, or of village-expenses or other dues, shall not be brought after three years from the day on which the arrears or share became due:

Suits relating to distress shall not be brought after three months from the day on which the right to sue accrued:

All other suits must be brought within one year from the day on which the right to sue accrues, unless otherwise specially provided for in this Act.

The day on which the arrears become due or the day on which the right to sue accrues (as the case may be) shall be excluded in computing the periods of limitation prescribed by this section.

Applications cognizable by revenue Courts only.

95. No Courts other than Courts of Revenue shall take cognizance of any dispute or matter on which any application of the nature mentioned in this section might be made: and such applications shall be heard and determined in the said Courts in manner provided under this Act, and not otherwise:—

(*a*) Application to determine the nature and class of a tenant's tenure, under section ten.

(*b*) Application by a landholder, or his agent, to compel a patwárí to produce his accounts relating to land.

(*c*) Application

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(*c*) Application to resume rent-free grants under section thirty, and to assess to rent land previously held rent-free.

(*d*) Application from a landholder to eject a tenant, under section thirty-five or section thirty-six.

(*e*) Applications made by a tenant, under section thirty-nine.

(*f*) Application from a landholder, under section forty, for assistance to eject a tenant.

(*g*) Application from a tenant or landholder to determine the value of any standing crop, or ungathered products of the earth, belonging to the tenant and being on the land at the time of his ejectment, under section forty-two.

(*h*) Application by a landholder to determine rent payable for land used by a tenant for the purpose of tending or gathering in the crop, under section forty-two.

(*i*) Application by a landholder or tenant for assistance in the division or appraisement of a standing crop, under section forty-three.

(*j*) Application by a landholder or tenant to determine compensation for improvements of land.

(*k*) Application by a tenant for leave to deposit rent.

(*l*) Application for enhancement of rent.

(*m*) Application for compensation for wrongful dispossession.

(*n*) Application for the recovery of the occupancy of any land of which a tenant has been wrongfully dispossessed.

(*o*) Application for abatement of rent.

(*p*) Application for leases or counterparts, and for the determination of the rates of rent at which such leases or counterparts are to be delivered.

For the purposes of the Court Fees Act, 1870, applications under clauses (*c*,) (*l*), (*m*), (*n*), (*o*) and (*p*) of this section shall be deemed to be plaints in suits.

96. *a.* All

Points of procedure relating to applications under section 95.

96. *a.* All applications under section ninety-five shall be made in the district in which the land, crops or products referred to is or are situate, and may, with the consent of the parties, be referred to arbitration under sections two hundred and twenty to two hundred and thirty-one (both inclusive) of the North-Western Provinces Land-Revenue Act, 1873.

b. All orders passed on applications under section ninety-five shall be proved in the same manner, and when proved shall have the same effect, as if they were judgments of the Civil Courts.

c. In cases wherein a specific sum of money is adjudged to be due, or any costs or damages are awarded, all such orders may be executed by any process in use for the recovery of an arrear of revenue or rent.

d. In cases wherein possession of immoveable property is adjudged, the officer making the award may deliver over possession in the same manner, and with the same power, in regard to contempts, resistance and the like, as may be lawfully exercised by the Civil Courts in execution of their own decrees.

e. Applications under heads (*m*) and (*n*) of section ninety-five shall not be brought after six months from the date of the wrongful dispossession.

Power to invest officers with Assistant Collector's powers, and withdraw them.

97. The Local Government may invest any officer with the powers of an Assistant Collector of the first or second class under this Act, and may at any time withdraw such powers.

Suits and applications cognizable by Assistant Collectors.

98. Assistant Collectors of either class shall have, as such, power to try suits and applications of the following descriptions :—

(*a*) suits for arrears of rent on account of land or on account of any rights of pasturage, forest-rights, fisheries or the like ;

(*b*) suits for compensation for withholding receipts for rent paid, under section forty-eight ;

(*c*) suits to contest the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in exercise of

of the said powers, or for compensation for wrongful acts or omissions of a distrainer;

(*d*) suits by lambardárs for arrears of Government revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues, for which the co-sharers may be responsible to the lambardár;

(*e*) suits by muáfídárs or assignees of the Government revenue, for arrears of revenue due to them as such;

(*f*) suits by taluqdárs or other superior proprietors for arrears of revenue due to them as such;

(*g*) applications by a landholder, or by an agent employed by a landholder, to compel the production of accounts by patwáris;

(*h*) applications by a tenant or landholder to determine the value of any standing crops or ungathered products of the earth, and being on the land at the time of his ejectment, under section forty-two;

(*i*) applications by a landholder to determine the amount of rent payable by a tenant using land for the purpose of tending or gathering in crops, under section forty-two;

(*j*) applications by a landholder or a tenant for assistance in the division or appraisement of standing crops, under section forty-three;

(*k*) applications by tenants for leave to deposit rent.

Additional suits and applications triable by Assistant Collectors, first class.

99. Assistant Collectors of the first class, in addition to the suits and applications specified in section ninety-eight, shall have power to try suits and applications of the following descriptions:—

(*a*) suits to eject a tenant for any act or omission detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let;

(*b*) suits to cancel a lease for any breach of any condition binding on the tenant;

(*c*) suits for the recovery of any over-payment of rent or for compensation, under section forty-eight or section forty-nine;

(*d*) suits

(*d*) suits by co-sharers for their shares of the profits of a mahál or any part thereof, after payment of the Government revenue and village-expenses, or for a settlement of accounts;

(*e*) applications by a landholder to eject a tenant, under section thirty-five or section thirty-six;

(*f*) applications under section thirty-nine by a tenant contesting notice of ejectment;

(*g*) applications by a landholder under section forty, for assistance to eject a tenant, on whom notice of ejectment has been served;

(*h*) applications for compensation for wrongful dispossession;

(*i*) applications by a landholder or tenant to determine the amount to be paid as compensation for improvements;

(*j*) applications to recover the occupancy of any land from which a tenant has been wrongfully dispossessed by the landholder.

Additional applications triable by Assistant Collector, first class, with special powers.

100. In addition to the powers specified in sections ninety-eight and ninety-nine, an Assistant Collector of the first class specially empowered by Government in this behalf, shall have power to try the following applications:—

(*a*) applications for enhancement of rent;

(*b*) applications for abatement of rent;

(*c*) applications under section thirty for the resumption of rent-free grants, or for the assessment to rent of land hitherto held rent-free;

(*d*) applications for leases or counterparts, and the determination of the rates of rent at which such leases or counterparts are to be delivered;

(*e*) applications to determine the nature or class of a tenant's tenure.

Power to make over cases.

101. The Collector of the District, or any Assistant Collector in charge of a sub-division of a district, may make over any case, or class of cases, for inquiry and decision, from his own file, to any of his subordinates competent to deal with such case or class of cases under the provisions of this Act.

102. Collectors

102. Collectors of Districts, and Assistant Collectors in charge of sub-divisions of districts, may, respectively, withdraw any case or class of cases from any officers subordinate to them, and may deal with such case or class of cases themselves, or refer it for disposal to any other such Revenue Officer competent to deal with the same under the provisions of this Act. Power to withdraw cases.

103. The Collector of the District may exercise Powers exerciseable by Collector of District.

(*a*) all powers given by this Act to Collectors of Districts,

(*b*) all powers which by this Act are conferred, or can be conferred, on Assistant Collectors.

The Local Government may invest any officer in charge of a sub-division of a district with all or any of the powers conferred by this Act on a Collector of a District. Investment of officer in charge of sub-division with powers of Collector of District.

In conferring powers under this Act, the Local Government may empower persons specially by name, or classes of officials generally by their official titles. Mode of conferring powers.

CHAPTER VI.

Procedure in Suits up to Judgment.

104. Suits under this Act shall be instituted in the district in which the subject of the suit, or some part thereof, is situate, Place of instituting suits.

and all such suits shall be commenced by presenting to the Court a plaint, which shall contain— Plaint.

(*a*) the name, description and place of abode of the plaintiff;

(*b*) the name, description and place of abode of the defendant, so far as they can be ascertained;

(*c*) the subject-matter of the claim, and its amount or value computed according to the Court Fees Act, 1870; and

(*d*) the date on which the right to sue accrued.

105. For

Managers of maháls to be, for purpose of litigation, deemed landholders.

105. For the purpose of suing or being sued under this Act, the managers of maháls, whether held under the Court of Wards or under direct management, shall be deemed to be landholders.

Suits by co-sharers in undivided property.

106. No co-sharer in an undivided property shall in that character be entitled separately to sue a tenant under this Act, unless he is authorized to receive from such tenant the whole of the rent payable by such tenant.

Plaint by whom presented.

107. The plaint shall be presented by the plaintiff, or by an agent duly authorized on his behalf, who has personal knowledge of the facts of the case, or by an agent accompanied by a person who has such knowledge.

Verification of plaint.

The plaint shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:—

"I, *A. B.*, the plaintiff named in the above plaint, do declare that what is stated therein is true to the best of my knowledge and belief."

False averment

If the plaint contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be punishable according to the law for the punishment of giving or fabricating false evidence.

Document relied on by plaintiff to be presented with plaint.

108. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Court at the time of presenting his plaint.

Admission afterwards.

Unless such document be so delivered, or its non-production be sufficiently excused, or unless the Court see fit to extend the time for producing the same, it shall not afterwards be admitted.

Procuring production of document in possession of defendant.

109. If the plaintiff require the production of any document in the possession or power of the defendant, he may, at the time of presenting his plaint, deliver to the Court a description of the document, in order that the defendant may be required to produce the same.

110. If

110. If the suit be for the recovery of an arrear of rent or revenue, or of a share of profits or village-expenses, or other dues under section ninety-three, the plaint shall specify the name of the village and estate, and of the pargana or other local division in which the land is situate: Plaint in suits for arrears of rent.

and, if the suit be for an arrear of rent alleged to be due from any tenant, the plaint shall also specify the quantity of land, and (where fields have been numbered in a Government survey) the number of each field, and yearly rent of the land; the amount (if any) received on account of the year for which the claim is made; and in all cases coming under this section the plaint shall specify the amount in arrear, and the time in respect of which it is alleged to be due.

111. If the suit be for the ejectment of a tenant from any land, the plaint shall describe (as circumstances may require) the extent, situation and designation of the land; and, if necessary for its identification, shall set forth its boundaries. Plaint in suits for ejectment.

112. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or be not subscribed and verified as hereinbefore required, the Court may, at its discretion, return it to the plaintiff, or allow it to be amended. Return or amendment of plaint.

113. If the plaint be in proper form, the Court, except as otherwise hereinafter specially provided, shall direct the issue of a summons to the defendant, Issue of summons.

and if the plaintiff require the personal attendance of the defendant, and satisfy the Court that such attendance is necessary, or the Court of its own accord require such attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons. Order for personal attendance or appearance by agent.

If the plaintiff or the Court does not require the personal attendance of the defendant, the summons shall order the defendant to appear either personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or is accompanied by a person who has such personal knowledge.

114. The

Fixing of day to be specified in the summons.

114. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held,

Order to produce documents.

and the summons shall order the defendant to produce any document in his possession or power of which the plaintiff demands inspection, or upon which the defendant relies in support of his defence.

Order to bring witnesses.

It shall also direct him to bring with him his witnesses, if they are willing to attend without issue of process,

Form of summons.

and it shall be in the form (D) contained in the first schedule hereto annexed, or to the like effect.

Mode of serving summons.

115. The summons shall be served by delivering a copy thereof to the defendant personally when practicable;

or, if the copy cannot be delivered to the defendant personally, by affixing copy of the summons to some conspicuous part of his usual residence, and also affixing a copy of the same in the Court.

Endorsement on summons

116. If the summons be served by delivering a copy to the defendant personally, the Názir shall endorse on the summons the fact of such service.

If personal service be not effected, the Názir shall endorse on the summons the reason of not serving it personally, and how it has been served.

Service of summons in another district.

117. If the usual residence of the defendant be in another district, the summons, together with the cost of the service thereof, shall be sent by the public post to the Collector of such district, who shall issue the summons, and return the same, after service, with the prescribed endorsement, to the officer by whom it was transmitted to him.

Deposit of cost of serving summons or warrant.

118. The amount of the cost of serving the summons,

or, if a warrant be issued as provided in the next following section, of serving the warrant,

shall in all cases be deposited in Court by the plaintiff within such time before the issue of such summons

summons or warrant as is fixed by the Court issuing the process.

If the said amount be not so deposited (except where the Court in exercise of the discretion reserved to it in section ninety-one allows the summons to be served gratis), the case shall be struck off the file of suits;

Effect of failure to deposit.

but in such case the plaintiff may present another plaint at any time within the period allowed by the rules herein contained for the limitation of suits.

119. *a.* If in any suit against a tenant for the recovery of an arrear of rent, or in any suit for the recovery of an arrear of revenue, or a share of profits or village-expenses or other dues, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, the plaintiff shall present, with his plaint, an application for the issue of such warrant.

Procedure when plaintiff desires issue of warrant of arrest.

b. When such application is presented, the Court shall examine the plaintiff or his agent, according to the law for the time being in force in relation to the examination of witnesses, and inspect the documents adduced by him in support of his claim; and if *primâ facie* it appear to the Court that the claim is well founded, and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Court may issue a warrant for his arrest.

c. The Court shall fix a reasonable time for the return of the warrant, and the officer entrusted with the service thereof shall, at the time of arresting the defendant, deliver to him a notice addressed to the defendant containing the particulars of the claim, and requiring the defendant, if he contest the claim, to bring with him any document upon which he relies in support of his defence.

d. Every warrant issued and notice delivered under this section, shall be respectively in the forms (E) and (F) in the first schedule hereto annexed, or to the like effect.

120. If

Procedure after arrest of defendant.

120. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Court.

Procedure when defendant is brought before Court under warrant.

121. When a defendant is brought before the Court under warrant, the Court shall with all convenient speed proceed to try the case in the manner hereinafter provided,

and if the suit cannot be at once adjudicated, the Court may, if it think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is pending, or until execution of the final decree which may be passed thereon,

and may commit him to the civil jail to be there detained until he furnishes such security or deposits such sum as the Court orders.

Form of security-bond.

The security-bond shall be in the form (G) contained in the first schedule hereto annexed, or to the like effect.

Procedure when defendant cannot be arrested under warrant.

122. If the defendant cannot be arrested under the warrant, the Court, on the application of the plaintiff, shall either postpone the case for such period as to it seems proper, in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation, to be affixed in its own office and at the residence of the defendant, appointing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice, at the residence of the defendant.

If the defendant appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding section.

Compensation for arrest applied for without reasonable cause.

123. If it appear to the Court that the arrest of the defendant was applied for without reasonable cause, the Court may, in its decree, award to him such sum not exceeding one hundred rupees as it may deem a reasonable compensation for any injury or loss which he has sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

124. If

124. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case may be struck off, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules herein contained for the limitation of suits.

Consequence of neither party appearing on day fixed

125. If on any such day the defendant only appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admit the plaintiff's right to the relief which he claims, in which case the Court shall proceed to give judgment for the plaintiff upon such admission without costs :

Judgment by default.

Judgment upon admission of claim.

Provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

Proviso.

126. If on any such day the plaintiff only appear, the Court, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or other evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex-parte* against the defendant.

If plaintiff only appear, Court may proceed *ex-parte.*

127. If the defendant appear on any subsequent day to which the hearing of the suit is postponed under the last preceding section, the Court may, upon such conditions, if any, as to costs or otherwise as it thinks proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

If defendant appear on adjourned hearing, Court may allow him to be heard in answer.

128.*a.* No appeal shall lie from a judgment passed *ex-parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance.

No appeal from judgment *ex-parte* or by default;

b. But in all such cases, if the party against whom judgment has been given appears, either in person or by

But Court may revive suit and alter

or rescind judgment.

by agent, if a plaintiff, within fifteen days from the date of the Court's decree, and, if a defendant, within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shows good and sufficient cause for his previous non-appearance, and satisfies the Court that there has been a failure of justice, the Court may, upon such terms and conditions as to costs or otherwise as it thinks proper, revive the suit and alter or rescind the judgment according to the justice of the case.

Adverse party to be summoned.

c. But no judgment shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Examination

129. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Court, the Court shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other party or his agent.

Examination and cross-examination of agents.

130. If either of the parties be not bound to attend personally, any agent by whom he appears, or any person accompanying such agent, may be examined and cross-examined in like manner as the party himself would have been if he had attended personally.

Defendant may file written statement.

131. At the time of the examination, the defendant may, if he think fit, file a written statement in his defence.

Mode of examination.

132. The examination of the parties or their agents, or such other persons as aforesaid, shall be according to the law for the time being in force relative to the examination of witnesses in the Civil Courts.

The substance of the examination shall be reduced to writing in the mother-tongue of the presiding officer, and shall be filed with the record.

Witness produced may be examined

133. If either of the parties produce a witness on such day, the presiding officer may take the evidence of such witness.

134. If

134. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the suit:

Document relied on by defendant to be produced at first hearing.

and unless such document be so delivered, or its non-production be sufficiently excused, or unless the presiding officer see fit to extend the time for delivering the same, it shall not afterwards be admitted.

135. If after the examination required by section one hundred and twenty-nine, and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Court shall make its decree accordingly.

Decree after examination, if no further evidence is required.

136. If on such examination as aforesaid either party be absent and his agent be unable to answer any material question relating to the case which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the case to a future day, and direct that the party whose agent was unable to answer as aforesaid shall attend in person on such day;

Party to attend in person when his agent is unable to answer.

and if such party fails to appear in person on the day appointed, the Court may pass judgment as in case of default, or make such other order as it deems proper in the circumstances of the case.

Judgment or order if he fail to appear

137. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear further evidence, the Court shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day, unless there be sufficient reason for adjourning it, which reason shall be recorded by the Court.

Procedure when parties at issue on question requiring evidence.

138. The parties shall produce their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day, either to give evidence or to produce a document, he shall apply to the Court in sufficient time before the

Parties to produce witnesses or procure attendance by summons.

the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Court shall thereupon issue a summons requiring such witness to attend.

Provisions regarding attendance, examination, &c., of witnesses.

139. The law and rules for the time being in force relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration and punishment of witnesses, whether parties to the case or not, in cases before the Civil Courts, shall, except so far as may be inconsistent with the provisions herein contained, apply to suits under this Act.

Case to be struck off if neither party appears.

140. If on the day fixed for the trial of any issue neither of the parties appear, the case may be struck off, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules herein contained for the limitation of suits.

Trial of issue *ex parte*.

If on any such day one only of the parties appear, the issue may be tried and determined in the absence of the other party, upon such evidence as may be then before the Court.

Provisions to apply when suits are instituted or defended on behalf of landholders by agents.

141. When suits under this Act are instituted or defended by agents employed in the collection of rent or management of land, in the name and on the behalf of the landholders by whom they are so employed, all the provisions of this Act, by which the personal appearance or attendance of parties to a suit is or may be required, shall be applicable to such agents;

and anything which, by this Act, is required or permitted to be done by a party in person, may be done by any such agent as aforesaid.

Processes served on such agents.

Processes served on any such agent shall be as effectual for all purposes in relation to the suit, as if the same had been served on the landholder in person:

and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such agent.

Personal attendance of

142. A female plaintiff or defendant shall not be required to attend in person, if she be of a rank or

or class which, according to the custom and manners of the country, would render it improper for her to appear in public.

female plaintiff or defendant when not required.

143. Any party to a suit may employ an authorized agent or mukhtár to conduct the case on his behalf:

Parties may employ agents or mukhtárs;

but the employment of such agent or mukhtár shall not excuse the personal attendance of the plaintiff or defendant, in cases where his personal attendance is required by the summons, or any order of the Court;

Personal attendance when not excused.

and no fee for any agent or mukhtár shall be charged as part of the costs of suit in any case under this Act, unless the Court certify that, under the circumstances of the case, such fee is proper to be allowed.

Fee for agents not chargeable as costs.

144. The Court may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit,

Court may grant time or adjourn hearing.

and may also, from time to time, in order to the production of further evidence, or for other sufficient reason to be recorded by the Court, adjourn the hearing of any case, to such day as to it may seem fit.

145. The presiding officer may, at any stage of a case, cause a local enquiry and report respecting the matter in dispute to be made by any officer subordinate to him, or by any other officer of Government, with the consent of the authority to whom such officer is subordinate, or may himself proceed to the spot and make such local enquiry in person.

Court may cause local enquiry and report, or may itself enquire.

The provisions of the law for the time being in force relative to local inquiries by Amíns or Commissioners, under orders of the Civil Courts, shall apply to any local inquiry made by any officer under this section,

Provisions applied to such inquiry.

and, so far as they are applicable, to inquiries made by the presiding officer of the Court in person.

In the latter case the presiding officer, after completing the inquiry, shall record such observations as appear to him appropriate, and the observations so recorded shall form part of the proceedings in the suit.

Record in case of inquiry by Court.

146. The

Defendant may pay admitted debt and costs into Court.

146. The defendant in any suit under this Act may pay into Court such sum of money as he thinks a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sums shall be paid to the plaintiff.

Plaintiff chargeable with subsequent costs if he proceed and recover no further sum.

If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than has been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

No interest to plaintiff after date of deposit by defendant.

147. No interest shall be allowed to a plaintiff on any sum paid by the defendant into the Court from the date of such payment, whether such sum be in full of the plaintiff's claim, or fall short thereof.

In suits where right to receive rent is disputed, third person who has received it may be made a party.

148. When in any suit between a landholder and a tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the tenant is disputed on the ground that some third person has actually and in good faith received and enjoyed such rent before and up to the time when the right to sue accrued, such third person may be made a party to the suit,

and the question of such receipt and enjoyment of the rent by such third person may be enquired into, and the suit shall be decided according to the result of such enquiry:

Saving of right to sue in Civil Court to prove title to rent.

Provided that the decision of the Court shall not affect the right of either party entitled to the rent of such land, to establish his title by suit in the Civil Court, if instituted within one year from the date of the decision.

Court may allow tenant to repair damage caused by certain acts or omissions.

149. Whenever a decree is given for the ejectment of a tenant, or the cancelment of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it think fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation, within such

such time, or make such other order in the case, as the Court thinks fit,

and if such damage be so repaired, or compensation so paid, or order obeyed, the decree shall not be executed.

150. Every judgment under this chapter shall be pronounced in open Court. Delivery of judgment.

151. The judgment shall be written in the mother-tongue of the presiding officer, and shall contain the reasons for the same, and shall be dated and signed by the presiding officer at the time it is pronounced: Its language and contents.

Provided that, where his mother-tongue is not English, the judgment may be written in English, if he is able to write a clear and intelligible decision in that language. When it may be in English.

152. Every officer invested with powers under this Act may hold a Court for hearing and determining suits under this Act in any place within the limits of the district to which he is appointed. Power to hold Court in any place within district.

Every hearing shall be in open Court, and the parties to the suit or their authorized agents shall have due notice to attend in such place.

CHAPTER VII.

PROCEDURE IN EXECUTION OF DECREES IN SUITS.

153. If the decree be for the ejectment of any tenant from land occupied by him, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree thereto. Mode of executing decree for ejectment of tenant.

If any opposition is made to the execution of the order for giving such possession or occupancy, by the party against whom the order is made, the Magistrate, on the application of the Collector of the District or Assistant Collector, shall give effect to the same. Magistrate to give it effect in case of opposition.

154. If the decree be for the payment of arrears of rent or revenue, or of money, and the defendant has been committed to jail, or appear in Court pursuant to the conditions of any security-bond given under Power to order detention in, or commitment to, civil jail, in certain cases.

under section one hundred and twenty-one, the Collector of the District or Assistant Collector may order that he be detained in, or committed to, the civil jail, unless he immediately pay into Court the amount of the decree with costs, or otherwise comply with the terms of the decree.

Process against surety on failure to deliver judgment-debtor into custody.

155. If the judgment-debtor has given security for his appearance, and is not present when judgment is pronounced, and the surety fails to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety.

Process of execution against person or property, but not both.

156. *a.* A writ of execution may be issued against either the person or the property of a judgment-debtor;

but process shall not be issued simultaneously against both person and property.

Applications on which it may issue.

b. Such writ may be issued on the oral application of the judgment-creditor, his agent, or mukhtár, made at the time the decree is passed, or, thereafter, upon the written application of the judgment-creditor, his agent, or mukhtár.

Form of writ of execution.

c. Writ of execution against the person or moveable property of a debtor shall be in the form (II) or (I) contained in the first schedule hereto annexed, or to the like effect.

Execution against moveable property.

157. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor;

but, if the creditor is unable to furnish such list, he may apply for a general attachment of the debtor's effects, to the amount of the judgment and costs.

In either case, the property to be seized shall be pointed out to the officer entrusted with execution of the process, by the creditor, or his agent:

Articles exempted from attachment.

Provided that no implements of husbandry, or cattle actually employed in agriculture, or tools of artisans, shall be attached under this section.

158. Every

158. Every writ of execution shall bear date on the day on which it is signed by the Collector of the District or Assistant Collector, and shall continue in force for such period as he may direct (not being more than sixty days) calculated from such date.

Date and duration of writs.

159. Second and successive writs of execution may be issued by order of the Collector of the District or Assistant Collector on the application of the judgment-creditor, after the expiration of the period fixed for the continuance in force of a previous warrant.

Second and successive writs.

160. Process of execution shall not be issued upon any judgment, without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year has elapsed from the date of the judgment, or from the date of the last previous application for execution.

After one year execution not to issue without notice to party concerned.

161. Execution on a judgment shall not issue against the heir or other representative of a deceased party, unless notice to appear and be heard has been previously served on such heir or other representative.

Execution not to issue against heir or representative of deceased party without notice.

162. No process of execution shall be issued on a judgment under this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred rupees;

No process of execution after three years, unless judgment be for sum exceeding 500 rupees.

in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Civil Court.

Regulation of period in such case.

163. If a writ issue for taking any person in execution, the officer charged with the execution of the writ shall bring him with all convenient speed before the Collector of the District or Assistant Collector.

Procedure in execution of writ against person.

If such person does not then deposit in Court the full amount specified in the writ,

or

or make such arrangement for the payment of the same as is satisfactory to the judgment-creditor,

or satisfy the Collector of the District or Assistant Collector that he has no present means of paying the same amount,

the Collector of the District or Assistant Collector shall send him to the civil jail, there to remain for such time as may be directed by a warrant addressed to the keeper of the jail, unless in the meanwhile he pays the full amount for the payment of which he is liable under the decree:

Limit of imprisonment.

Provided that the time for which a debtor may be confined in execution of a decree under this Act, shall not exceed three months when the amount decreed (exclusive of costs) does not exceed fifty rupees,

or six months when such amount does not exceed five hundred rupees,

or two years in any other case.

No person to be imprisoned a second time under same judgment.

164. *a.* Any person once discharged from jail shall not be imprisoned a second time under the same judgment.

When further liability extinguished.

b. If the amount due under the decree does not exceed one hundred rupees, the Collector of the District or Assistant Collector may declare such discharged person absolved from further liability under that decree, and such liability shall thereupon be extinguished.

When not extinguished.

c. In other cases the discharge shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to such person from attachment in execution of the same.

Diet-money to be deposited at time of issue of warrant.

165. Every person applying for the issue of a warrant of arrest under section one hundred and nineteen, or suing out process of execution against the person of any judgment-debtor, shall deposit in Court, when the warrant issues, diet-money for thirty days at such rate not exceeding two annas per diem, as the Collector of the District or Assistant Collector may direct, unless for any special reason he directs that deposit

deposit be made at a higher rate, which shall not exceed four annas per diem.

166. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, on failure of which the party confined shall be discharged.

Effect of non-payment of diet-money in advance during imprisonment.

167. All diet-money spent in providing subsistence for any prisoner shall be added to the costs in the suit,

Diet-money spent to be costs in suit.

and any diet-money not so spent shall be returned to the person who deposited the same.

Refund of remainder.

168. In executing a writ of execution against the moveable property of a debtor liable under this Act, the officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation, specifying the day upon which the sale is intended to be held, together with a copy of the said list, at the intended place of sale and at the residence of the debtor.

Procedure in executing writ against moveable property.

A copy of the said proclamation and list shall be sent to the Collector of the District or Assistant Collector, and shall be affixed in his office.

169. No moveable property taken in execution under this Act shall be sold before the expiration of ten days next after the day on which such property is so taken.

Time to elapse before sale of moveable property.

Until such sale the property shall be deposited in some fit place, or it may remain in custody of some fit person approved by the officer executing the writ.

Custody meanwhile.

The provisions of sections seventy-four to seventy-eight (both inclusive) so far as the same are applicable, shall apply to sales under this section.

Provisions applied to sale.

170. No irregularity in publishing or conducting a sale of any moveable property under an execution shall vitiate such sale.

Sale not vitiated by irregularity.

But any person injured by such irregularity may recover compensation for such injury by suit in the Civil Court:

Right to sue for compensation.

provided

Limitation.

provided that such suit be brought within one year from the date of sale.

In executing decrees for money, when execution may be applied for against immoveable property.

171. In the execution of any decree for the payment of arrears of rent or revenue, or of money, under this Act, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

Process when the immoveable property is not a mahál.

172. If the immoveable property against which execution is applied for be other than a mahál, or share of a mahál, process shall be issued in the same manner as for the attachment and sale of moveable property: and the provisions of sections one hundred and sixty-eight, one hundred and sixty-nine and one hundred and seventy shall be applicable.

Procedure when it is a mahál.

173. When such property is a mahál, or a share of a mahál, the decree shall be sent for execution to the Collector of the District in which such property is situate,

and if the judgment-debtor satisfies the Collector of the District that there is reasonable ground to believe that the amount of the judgment-debt may be raised by mortgage of the property, or by letting it on lease, or by disposing by private sale of a portion of the property or any other property belonging to the judgment-debtor, the Collector of the District may, on the application of the judgment-debtor, postpone the sale for such period as the Collector of the District thinks proper to enable the judgment-debtor to raise the amount,

and if the judgment-debtor satisfies his creditor, the execution shall be stayed, and the Collector shall report the fact to the Court by which the decree was made.

Procedure where judgment-creditor fails to satisfy creditor within further time

174. If the judgment-debtor obtaining a postponement of the sale fails to satisfy his creditor within the period so fixed, or if the judgment-debtor does not apply for, or applies for but does not obtain, a postponement of the sale, and the Collector of the District considers that the sale of the mahál or share is

is inexpedient, and that satisfaction of the decree may be made by means of a temporary alienation of the property,

or Collector thinks sale inexpedient.

the Collector of the District shall cause an accurate rent-roll of the property to be prepared, and ascertain the annual income derivable therefrom.

If, in the opinion of the Collector of the District, such income is sufficient to pay off the judgment-debt with interest at six per cent. per annum, within any period not exceeding fifteen years from the date of the decree, he may transfer the property to the judgment-creditor, or if the judgment-creditor refuse to take it, to some other person, or he may hold it under his own management, for such period not exceeding fifteen years, as may be sufficient for the recovery of the debt with interest as aforesaid, and on such conditions as to the payment of such debt and interest as he deems expedient.

Power to transfer property to judgment-creditor.

Power to hold property under management.

Orders passed under this section and section one hundred and seventy-three shall be subject to revision by the Commissioner of the Division and the Board, but shall not be open to appeal to the Civil Court.

175. If in the opinion of the Collector of the District the recovery of the debt under section one hundred and seventy-four is impossible, or if the sale of the property appear to him advisable on other grounds, he shall report, through the Commissioner of the Division, the case for orders to the Board.

Report of case to Board.

176. On the receipt of such report, the Board may make, or cause to be made, such further endeavours for the recovery of the debt under the provisions of section one hundred and seventy-four, as to it may seem practicable.

Procedure on receipt of report.

177. If it appear to the Board that the debt cannot be recovered under section one hundred and seventy-four, or if the sale of the property appear to it advisable on other grounds, it shall order the property to be sold, in which case the sale shall be made under the rules in force for the sale of land for arrears of land revenue, but without prejudice to the incumbrances

Power to order sale of property.

incumbrances (if any) to which such property may be subject.

Examination of third party claiming interest in property.

178. If before the day fixed for any sale of any property under this Act, a third party appear before the Collector of the District or Assistant Collector, and claim a right or interest to or in any of the property, he shall examine such party or his agent, according to the law for the time being in force relative to the examination of witnesses,

Stay of sale.

and, if he see sufficient reason for so doing, may stay the sale of such property.

Adjudication of such claims.

179. The Collector of the District or Assistant Collector may adjudicate upon such claim, and make such order as he thinks fit between the claimant and the plaintiff and defendant in the original suit.

Rules applied.

In trying such claim, the Collector of the District or Assistant Collector shall be guided by the rules contained in this Act, so far as they may be applicable.

Compensation awardable against claimant failing to establish right.

180. If the claimant fail to establish his right to the property taken in execution, the Collector of the District or Assistant Collector may, at the time of disposing of the case, order him to pay to the judgment-creditor the costs of the proceedings on the claim, and also such sum as he thinks sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

No appeal from order under section 179 or 180.

181. *a.* No appeal shall lie from any order passed under section one hundred and seventy-nine or section one hundred and eighty by the Collector of the District.

Right to sue in Civil Court.

b. But the party against whom the same is given may bring a suit in the Civil Court to establish his right at any time within one year from the date of the order:

Proviso.

c. Provided that, if the order be for the sale of the property taken in execution, the suit shall not be for the recovery of such property, but shall be for compensation from the judgment-creditor by whom it was brought to sale.

CHAPTER VIII.

CHAPTER VIII.

APPEALS.

(A) From Decrees in Suits.

182. In suits under this Act, tried and decided by a Collector of a District or an Assistant Collector of the first class, his judgment thall be final, and not open to revision or appeal, except as provided by section one hundred and eighty-nine.

Judgment of Collector of District or Assistant Collector of first class when final.

183. All decisions of the Assistant Collector of the second class in suits mentioned in section ninety-three shall be appealable to the Collector of the District, whose order thereon shall (subject to the provisions of section one hundred and eighty-nine) be final.

Appeal from decision of Assistant Collector of second class.

184. The petition of appeal shall be presented to the Collector of the District within thirty days from the date of the decree.

Time for presentation.

185. The Collector of the District may either dismiss the petition or may fix a day for hearing the appeal, and in that case he shall cause notice of the same to be served on the respondent in the manner hereinafter prescribed for the service of summons:

Procedure on appeal.

If, on the day fixed for hearing the appeal, or any other day to which the hearing may be adjourned, the appellant does not appear in person or by an agent, the appeal may be dismissed for default.

If the appellant appears and the respondent does not appear in person or by an agent, the appeal may be heard *ex parte*.

186. If an appeal be dismissed for default of prosecution, the appellant may, within fifteen days from the date of the dismissal, apply to the Collector of the District to re-admit the appeal,

Re-admission of appeal.

and if it be proved to the satisfaction of the Collector of the District that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector of the District may re-admit the appeal.

187. After hearing the appeal, the Collector of the district shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits.

Judgment in appeal.

188. In

Re-hearing of suits not open to appeal.

188. In suits in which the judgment of the Collector of the District or Assistant Collector is final, as provided in section one hundred and eighty-two, he may, upon the application of either party, if preferred within thirty days from the date of the decision, order the re-hearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case, which the applicant had no knowledge of, or could not produce, at the time of trial.

Appeal to District Judge.

189. An appeal shall lie to the District Judge from the decision of the Collector of the District or Assistant Collector of the first class, in all suits mentioned in section ninety-three

in which the amount or value of the subject-matter exceeds one hundred rupees, or

in which the proprietary title to land has been determined between parties making conflicting claims thereto:

Appeal to High Court.

Provided that, where the amount or value of the subject-matter of the suits exceeds five thousand rupees, the appeal shall lie to the High Court.

Rules as to time of presentation, &c., to apply.

190. The rules for the time being in force in regard to the time within which appeals from the decisions of Civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the District Judge or High Court under this Act.

Special appeal to High Court from District Judge.

191. The decisions of District Judges passed in regular appeal under this Act, shall be open to special appeal to the High Court, in the same manner, and subject to the same rules, as the decisions of District Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure and the Indian Limitation Act, 1871.

(*B*).—*From Orders on Applications or relating to the Execution of Decrees.*

(1) *Assistant Collectors of the Second Class.*

Appeal from Assistant Collector of second class.

192. An appeal to the Collector of the District shall lie from all orders passed under this Act by an Assistant Collector of the second class.

(2) *Assistant*

(2) *Assistant Collectors of the First Class.*

193. An appeal to the Commissioner of the Division shall lie from all orders passed by an Assistant Collector of the first class,

Appeal from orders of Assistant Collectors of first Class on certain applications.

(*a*) on applications under section ninety-nine, where the amount or value of the subject-matter exceeds one hundred rupees,

(*b*) on applications under section one hundred.

194. An appeal to the Collector of the District shall lie from all other orders passed under this Act by an Assistant Collector of the first class, except—

Appeal from other orders of Assistant Collector of first class.

(*a*) orders on applications mentioned in section ninety-eight;

(*b*) orders on applications mentioned in section ninety-nine;

(*c*) orders passed in the course of a suit and relating to the trial thereof.

195. The orders of an Assistant Collector of the first class on the following applications shall be final—

Final orders of Assistant Collector of first class.

(*a*) applications mentioned in section ninety-eight;

(*b*) applications mentioned in section ninety-nine, where the amount or value of the subject-matter does not exceed one hundred rupees.

(3) *Collector of the District.*

196. An appeal to the Commissioner of the Division shall lie from orders passed by the Collector of the District,

Appeal from certain orders of Collector of District.

(*a*) under section ninety-nine, when the amount or value of the subject-matter exceeds one hundred rupees,

(*b*) under section one hundred.

In all other cases orders under this Act passed by the Collector of the District shall be final, subject to review by the Commissioner of the Division or the Board.

(4) *Commissioner of the Division.*

197. Save as provided by section one hundred and ninety-eight, the orders of the Commissioner of the

Finality of orders of Commis-

sioner of Division.

the Division on appeals shall be final, subject to review by the Board.

Appeal to Board from his decisions on appeals against orders on applications mentioned in section 100.

198. An appeal from the decisions of the Commissioner of Division on appeals against orders passed by the Collector of the District or Assistant Collector on the applications mentioned in section one hundred shall lie to the Board, except where the Commissioner of the Division dismisses the appeal.

In such case the provisions of section one hundred and ninety-nine shall apply.

Power of Board to call for cases and pass orders thereon.

199. The Board may at any time call for any case which has come before any Commissioner of Division, or any Court subordinate to him, and pass such orders thereon, consistent with this Act, as the Board thinks fit.

Time for appealing.

200. No appeal shall be brought to the Collector of the District after the expiration of thirty days, or to the Commissioner of the Division after the expiration of sixty days, or to the Board of Revenue after ninety days, from the date of the order complained of.

Admission of appeals after prescribed period.

201. Any appeal under this Act may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer to whom he appeals that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order under this section admitting an appeal.

CHAPTER IX.

MISCELLANEOUS.

Time to be excluded in computing limitation period.

202. In computing the period of limitation prescribed for any suit under this Act, the day on which the right to sue accrued shall be excluded.

In computing the period of limitation prescribed for any appeal under this Act, the day on which the judgment or order complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

203. Whenever

203. Whenever a Court is closed on the last day of any period provided in this Act for the presentation of any memorandum of appeal, or for the deposit or payment of any money in or into Court, the day on which the Court re-opens shall be deemed to be such last day.

Rule as to last day for presentation or deposit, when Court is closed on such day.

204. *a.* If in any suit instituted, or on any application made, under this Act, it appears to the presiding officer that any question in issue involving a point of law is more proper for the decision of a Civil Court, such officer, if a Collector of a District, or the Collector of the District on the representation of such officer, may cause a case to be stated for the opinion of the District Judge, who shall hear the case in such manner as nearly as may be as is prescribed for the hearing of cases by the High Court by sections twenty-four, twenty-five and twenty-six of Act No. XI of 1865.

Power to state case involving point of law for opinion of District Judge.

b. If the District Judge finds that the case is insufficiently stated, he may return it to the Collector of the District for amendment.

c. Subject to any limits of value or time provided by law for cases falling under the Code of Civil Procedure, an appeal shall lie from the judgment of the District Judge to the High Court.

d. The District Judge shall return the case with the opinion of the Civil Court to the Collector of the District, and the Revenue Courts shall decide the suit or application in accordance with such opinion.

e. The costs attending such case shall be dealt with as costs in the suit or on the application in the Revenue Court.

205. *a.* If in any suit instituted, or on any appeal presented, in a Civil or Revenue Court, the Judge or presiding officer doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

Power to refer to High Court questions as to jurisdiction.

b. On any such reference being made, the High Court may order the Judge or presiding officer, either to proceed with the case, or to return the plaint or appeal

appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

c. The order of the High Court on any such reference shall be final, and shall not be questioned by the same parties in the same suit.

Procedure where objection that suit was instituted in wrong Court was not taken in Court of first instance.

206. In all suits instituted in any Civil or Revenue Court, in which an appeal lies to the District Judge or High Court, an objection that the suit was instituted in the wrong Court shall not be entertained by the appellate Court, unless such objection was taken in the Court of first instance; but the appellate Court shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where such objection was taken in Court of first instance.

207. If in any such suit, such objection was taken in the Court of first instance, but the appellate Court has before it all the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where, in such cases, the appellate Court has not materials for determining the suit.

208. If in any such suit the appellate Court has not before it the materials necessary for the determination of the suit, it shall proceed under the provisions of the Code of Civil Procedure relating to appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken by the Court of first instance, it may direct its order, either to the Court in which the suit was instituted, or to the Court it may hold competent to entertain the suit, whichever course it may deem most conducive to justice,

and the objection that the order of a subordinate appellate Court has been directed to a Court which was not competent to entertain the suit shall not be taken on special appeal.

Suits by co-sharer against lambardár for share of profits.

209. In any suit brought by a co-sharer against a lambardár for a share of the profits, the Court may award to the plaintiff not only a share of the profits actually collected, but also a sum equal to the plaintiff's share in the profits which, through gross negligence or misconduct, the lambardár has omitted to collect,

210. In

210. In any suit brought by a tenant against a landholder to recover possession of a holding, the plaintiff may join as a defendant to the suit any other person in possession of the holding, who may claim title through the landholder.

Tenant's power to implead persons claiming through landholder.

In any suit brought by a landholder to eject a tenant, the plaintiff may join as a defendant to the suit any other person in possession of the holding, who may claim title through the tenant.

Landholder's power to implead persons claiming through tenant.

211. The Local Government may from time to time make rules consistent with this Act—

Power of Local Government to make rules.

(*a*) for the guidance of officers in determining, under sections thirteen, fourteen, fifteen, seventeen, eighteen and twenty, the rent payable by tenants,

(*b*) for the guidance of officers assessing rent under section thirty,

(*c*) as to the dates on which instalments of rent shall fall due,

(*d*) as to the procedure to be followed on all applications under section ninety-five.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

The Board with the previous sanction of the Local Government, may from time to time make rules consistent with the provisions herein contained, for the guidance of all persons in matters connected with the enforcement of this Act.

Power of Board to make rules.

212. When the Local Government has made a rule fixing the date on which any instalment of rent shall fall due, no such instalment shall, for the purposes of this Act, be deemed to be in arrear unless it remains unpaid after the date fixed by such rule.

Instalmennts when to be deemed in arrear.

THE FIRST SCHEDULE.

FORM A. (*See section* 51.)

I, *A. B.*, of , solemnly declare that I did personally [*or* by my agent *C. D.*], on the day of

, tender payment to *E. F.* of the sum of Rs. as and for the whole amount due from me on account of rent from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the sum so tendered, and to give a receipt in full for the same, and I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount I owe the said *E. F.*, and I hereby apply for leave to pay the same accordingly.

FORM B. (*See section* 52.)

Court of the Collector of , dated the day of

To *E. F.* &c.

With reference to the written declaration of *A. B.*, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you, or to your duly authorized agent, on application.

[This is to be written on a copy of the declration in Form A made by the person paying the money into Court.]

FORM C. (*See section* 69.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distrainer.

[*Name, description and address of the owner of the property.*]

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required, either to pay the said sum to the said *A. B.*, or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 187

Form D.

FORM D. (*See section* 114.)

FORM OF SUMMONS TO DEFENDANT.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of defendant.*]

Whereas the said *A. B.* has brought a claim against you in this Court for (*here specify particulars of claim as given in the plaint*), you are hereby required to appear in person in this Court on the day of [*if not specially required to appear in person, state,* " in person, or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge"] to answer the above-named plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you your witnesses, if they are willing to attend without issue of process.

FORM E. (*See section* 119.)

FORM OF WARRANT OF ARREST.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

Whereas the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of 187

FORM

FORM F. (*See section* 119.)

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of defendant.*]

Whereas the said *A. B.* has brought a claim against you in this Court for (*here specify particulars of claim as given in the plaint*) and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

FORM G. (*See section* 121.)

FORM OF SECURITY BOND FOR APPEARANCE OF DEFENDANT.

Whereas *A. B.*, plaintiff, has instituted a suit in the Court of the Collector of against *C. D.*, defendant, and the said *C. D.* has been required to give security for his appearance at any time when called on while the suit is pending and until execution of the decree, I, *E. F.*, hereby declare myself surety for the said *C. D.'s* appearance as aforesaid, and in case of his making default in such appearance, I engage to pay any sum for the payment of which the said *C. D.* may be liable under the decree. *If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.*

FORM H. (*See section* 156.)

WRIT OF EXECUTION AGAINST THE PERSON.

A. B., Plaintiff.
C. D., Defendant.

To the Názir of the Court of the Collector of

Whereas the said *C. D.* was directed by a decree of this Court, under date the day of 187 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to apprehend the said *C. D.*, and to bring him with all convenient speed before this Court to be dealt with according to law.

FORM

FORM I. (*See section* 156.)

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.
C. D., Defendant.

To the Názir of the Court of the Collector of

Whereas *C. D.* was directed by a decree of this Court under date the day of 187 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said *C. D.* as (is described in the list annexed, and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said *C. D.*, on some convenient day, not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

THE SECOND SCHEDULE.

(*See section* 1.)

I. The province of Kumaon and Garhwál.

II. The Terai Parganas, comprising—Bázpúr, Káshípúr, Jaspúr, Rudarpúr, Gadarpúr, Kilpúrí, Nanak-Mattha and Bilheri.

III. In the Mirzapúr District:—

(1.) The tappás of Agori Khás and South Kon in the Pargana of Agori.

(2.) The tappá of British Singrauli in the Pargana of Singrauli.

(3.) The tappás of Phulwá Dudhí and Barhá in the Pargana of Bichipár.

(4.) The portion lying to the South of the Kaimor Range.

IV. The Family Domains of Mahárájá of Benares comprising the following parganas:—

Bhadohi and Kheyra Mángror in the Mirzápúr District,

Kaswá Rájá in the Benares District.

V. The tract of country known as Jaunsar Báwar in the Dehra Dhún District.

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Office of Supdt. Govt. Printing.—No. 227 L. D —12-1-74.—3,400

THE NORTH-WESTERN PROVINCES LAND REVENUE ACT, 1873.

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[*Price one rupee nine annas and nine pies.*]

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Power of Board to make rules.

258. Amendment

SECTIONS.

258. Amendment of Act XL of 1858.
259. Disposal of suits and applications pending before Settlement Officer when settlement is closed.

FIRST SCHEDULE—Districts to which Act does not apply.

SECOND SCHEDULE—Enactments repealed.

ACT No. XIX OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd December 1873.)

An Act to consolidate and amend the Law relating to Land-Revenue and the jurisdiction of Revenue Officers in the North-Western Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to land-revenue and the jurisdiction of Revenue Officers in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The North-Western Provinces Land-Revenue Act, 1873:" Short title.

It extends in the first instance to all the territories for the time being under the government of the Lieutenant-Governor of the said Provinces, except those specified in the first schedule hereto annexed; Local extent.

But the Local Government may, by notification in the official Gazette, extend the whole or any part of this Act to all or any of the territories so excepted.

This Act shall come into force on the passing thereof. Commencement.

2. The Regulations and Acts mentioned in the second schedule hereto annexed are repealed to the extent specified in the third column thereof. Enactments repealed.

But all rules prescribed, appointments made, powers conferred, and notifications published under any such

such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed shall be deemed to be commenced under this Act, except where a decree has been made or an appeal presented.

Interpretation-clause.

3. In this Act—unless there be something repugnant in the subject or context,

'Mahál.'

(1.) "Mahál" means—

(a) any local area held under a separate engagement for the payment of the land-revenue, and for which a separate record-of-rights has been framed, and

(b) any local area of which the revenue has been assigned or redeemed, and for which a separate record-of-rights has been framed:

'Collector of a District.'

(2.) "Collector of a District" means the chief officer in charge of the revenue administration of a District:

'Commissioner of a Division.'

(3.) "Commissioner of a Division" means the chief officer in charge of the revenue administration of a Division:

'Rent.'

(4.) "Rent" means whatever is to be paid, delivered or rendered by a tenant on account of his holding, use or occupation of land:

'Sír-land.'

(5.) "Sír-land" means—

(a) land recorded as sír at the last settlement of the district in which it is situate, and continuously so recorded since; or,

(b) land continuously cultivated for twelve years by the proprietor himself with his own stock, or by his servants, or by hired labour; or,

(c) land recognized by village-custom as the special holding of a co-sharer, and treated as such in the distribution of profits or charges among the co-sharers:

(6.) "Annual

THE NORTH-WESTERN PROVINCES LAND-REVENUE ACT, XIX OF 1

amending act ..... 12/7/1891 ✓	*Section* 2.—The third paragraph of this section pealed.

(6.) "Annual value" means double the amount of the revenue, or, in the case of maháls permanently assessed or exempt from the payment of revenue, double the amount that would be assessable on such maháls if they were liable to assessment or revision of assessment: 'Annual value.'

(7.) "Incumbrance" means a charge upon or claim against land arising out of private contract: 'Incumbrance.'

(8.) "Agricultural year" means a year commencing on the first day of July, and ending on the thirtieth day of June: 'Agricultural year.'

(9.) "Revenue Court" means all or any of the following authorities: (that is to say) the Board of Revenue of the North-Western Provinces, and all members thereof, Commissioners, Collectors, Assistant Collectors, Settlement Officers, Assistant Settlement Officers and Tahsíldárs: 'Revenue Court.'

(10.) "Revenue-free" applies to land whereof the revenue has either wholly or in part been released, compounded for, redeemed or assigned: 'Revenue-free.'

(11.) "Board" means the Board of Revenue of the North-Western Provinces: 'Board.'

(12.) "Minor" means a person who has not completed his age of eighteen years. 'Minor.'

CHAPTER II.

THE INSTITUTION AND POWERS OF REVENUE OFFICERS.

4. The chief controlling authority in all matters connected with the land-revenue of the said territories is vested in the Board, subject to the Local Government. Chief controlling authority in revenue matters.

Subject to the orders of the Local Government, the Board shall sit in any place in the North-Western Provinces that it thinks fit, and it shall have the powers conferred by chapter VII of this Act on Commissioners of Divisions.

5. The Local Government, with the previous sanction of the Governor General in Council, shall appoint, and may from time to time remove, the Members of the Board. Appointment and removal of Members Board.

6. With

North-Western Provinces Land-Revenue Act, XIX of 1873.

Amendments.	Repeal.	Amendi
on 4.—For the second paragraph of this section substitute the following :— "The Board shall have the powers conferred by Chapter VII of this Act on Commissioners of divisions."	.....	Act XX 1890

Power to distribute business.

6. With the previous sanction of the Local Government, and subject to rules which it may from time to time prescribe, the Board may distribute its business and make such territorial division of its jurisdiction amongst its Members as to the Board may seem fit.

Orders of Member to be orders of Board.

All orders made or decrees passed by a Member of the Board, in accordance with such distribution or division, shall be held to be the orders or decrees (as the case may be) of the Board.

Alteration or reversal of orders.

7. No decree or order coming under the consideration of the Board on appeal or on being called for or reported for orders under section two hundred and fifty-three or section two hundred and fifty-four, shall be altered or reversed without the concurrent judgment of two Members of the Board.

Reference to Local Government in case of difference of opinion.

8. When the Members of the Board are equally divided in opinion as to any order to be made in the course of its non-judicial business, the question regarding which there is such division shall be referred for decision to the Local Government.

Power of Board to review and alter its orders and decrees.

9. The Board may review, and may rescind, alter or confirm, any order made by itself, or by any of its Members, in the course of its non-judicial business.

But no decree passed judicially by it or by any of its Members shall be so reviewed except on the application of a party to the cause within ninety days from the passing of the decree, or, if good cause be shown, within any longer period.

Members not empowered to alter each other's orders.

A single Member vested with all or any of the powers of the Board shall not have power to alter or reverse a decree or order passed by the Board or by any Member other than himself.

Power to authorize Member to exercise powers of Board.

10. Notwithstanding anything hereinbefore contained, the Local Government may authorize any Member of the Board to perform or exercise, either generally or in any particular locality, all or any of the duties and powers imposed and conferred on the Board.

Commissioners of Division.

11. The Local Government shall appoint in each Division a Commissioner, who shall within his Division exercise the powers and discharge the duties conferred

tion 9.—After this section insert the following :—	.....	Act XX
"9A. The Board may transfer any case or class of cases from any Revenue Court to any other Revenue Court competent in respect of the case or class of cases to deal therewith."		

ferred and imposed on a Commissioner of Division under this Act, or under any other law for the time being in force, and who shall, subject to the control of the Board, exercise authority over all the Revenue Officers in his Division.

Collector of the District.

12. The Local Government shall appoint in each district an officer who shall be the Collector of the District, and who shall exercise, throughout his district, all the powers and discharge all the duties conferred and imposed on a Collector or an Assistant Collector by this Act or any other law for the time being in force.

The Local Government may confer on any Assistant Collector in charge of a Sub-division of a District all or any of the powers of a Collector of a District, and all powers so conferred shall be exercised subject to the control of the Collector of the District.

Assistant Collectors.

13. The Local Government may appoint to each district as many other persons as it thinks fit to be Assistant Collectors of the first or second class.

All such Assistant Collectors, and all other persons employed in maintaining revenue-records or otherwise in or about the business of the land-revenue, shall be subordinate to the Collector of the District.

Power to alter limits of Divisions, &c., and to form Sub-divisions.

14. The Local Government may from time to time alter the limits of any Division, District or Tahsíl, and may divide any district into Sub-divisions, and from time to time alter the limits of such Sub-divisions.

All existing tahsíls shall be Sub-divisions of Districts until they are so altered.

Assistant Collector in charge of Sub-division of District.

15. The Local Government may place any Assistant Collector of the first class in charge of one or more Sub-divisions of a District, and may at any time remove him therefrom.

Such Assistant Collector shall be called an Assistant Collector in charge of a Sub-division of a District, and shall exercise the powers conferred upon him by this Act or by any other law for the time being in force, subject to the control of the Collector of the District.

The

tion 14.—For this section substitute the following:—	.....	Act XX of
"14. (1) The Local Government may from time to time create new, or abolish existing, tahsils, and alter the limits of any division, district or tahsil, and may divide any district into sub-divisions, and from time to time alter the limits of the sub-divisions, and may from time to time, with the previous sanction of the Governor-General in Council, create new, or abolish existing, divisions or districts. (2) All existing tahsils shall be deemed to be sub-divisions of districts."		

The Local Government may, from time to time, delegate its powers under this section to the Collector of the District, and may revoke such delegation.

Subordination of Revenue Officers.

16. Every officer of a Sub-division of a District employed in maintaining revenue-records or otherwise in or about the business of the land-revenue shall be subordinate to the Assistant Collector (if any) in charge of such Sub-division, subject to the general control of the Collector of the District.

Conferring of powers.

17. In conferring powers under this Act, the Local Government may empower persons by name, or classes of officials generally, by their official titles.

Transfer of cases to subordinates.

18. The Collector of the District, or any Assistant Collector in charge of a Sub-division of a District, or Officer in charge of a Settlement, may make over any case, or class of cases, arising under the provisions of this Act or otherwise, for enquiry or decision from his own file to any of his subordinates competent to deal with such case or class,

Power to withdraw cases from subordinates.

or may withdraw any such case or class of cases from any Revenue Officer subordinate to him, and may deal with such case or class himself, or refer the same for disposal to any other such Revenue Officer competent to deal therewith.

Power to vary and cancel powers.

19. The Local Government may vary or cancel any order conferring powers under this Act.

Collector of the District in case of temporary vacancy.

20. If the Collector of the District dies, or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district in revenue matters shall be held to be the Collector of the District under this Act until the Local Government appoints a successor to the Collector so dying or disabled, and such successor takes charge of his appointment.

Powers of officers transferred to another district.

21. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any district, is transferred to an equal or higher office of the same nature within another district, he shall, unless the Local Government otherwise directs, be held to be invested with

with the same powers in the district to which he is so transferred.

22. Tahsíldárs shall be appointed by the Board, subject to such rules as to qualification or otherwise as the Board, subject to the sanction of the Local Government, may from time to time make under section two hundred and fifty-seven.

Appointment of Tahsíldárs.

23. The Collector of the District, with the sanction of the Board, may arrange all the villages of such district in patwárís' circles, and may, from time to time, alter the limits of such circles.

Power to form and alter patwárís' circles.

But no such arrangement or alteration shall be final unless and until it has been sanctioned by the Board.

24. A patwárí shall be appointed to each circle, whether the maháls in such circle are assessed to revenue or not.

Appointment of patwárí to each circle.

25. Whenever a circle is without a patwárí, the proprietors of such circle, or their representatives in interest, shall, in accordance with local custom, nominate a person to be such patwárí, and he shall be appointed by the Collector of the District, or Assistant Collector.

Nomination and appointment of patwárís to fill vacancies.

26. In case of disagreement as to the nominee, the Collector or Assistant Collector shall ascertain the local custom, if any, and shall appoint the person nominated in accordance therewith.

Which nominee to be appointed in case of disagreement.

Where no such custom can be ascertained, the Collector or Assistant Collector shall appoint the nominee of those proprietors who represent the largest amount of annual value in the circle, or of their representatives in interest.

If a mahál is held under direct management, or if the proprietor of a mahál be under the charge of the Court of Wards, the Collector of the District or Assistant Collector, shall be held to be the proprietor for the purpose of nominating a patwárí under this section.

27. If the persons in whom the nomination is vested neglect to nominate a successor to the patwárí within fifteen days from the occurrence of the vacancy,

Appointment of patwárí in case of failure or neglect of person entitled to nominate.

vacancy, the Collector of the District or Assistant Collector shall call on them by notice to make the nomination, and, if they fail to do so within fifteen days from the receipt of notice, the Collector of the District or Assistant Collector shall make the appointment.

Procedure in case of nomination of unfit person.

28. If the person or persons in whom the nomination is vested nominate a man not qualified to perform the duties of a patwárí, or in the nomination neglect to follow the local custom, the Collector of the District or Assistant Collector shall refuse to appoint the nominee; and if no fit person be nominated within fifteen days from the date of the notification of such refusal, he shall himself appoint a person to the vacant office:

Preference to member of patwárí's family.

Provided that the Collector of the District or Assistant Collector, in making the appointment under this and the last preceding section, shall always give preference to any member of the late patwárí's family, qualified to perform the duties of the office.

Payment of patwáris.

29. A rate may be imposed by order of the Collector of the District, on the annual value, or on the cultivated area, of all the mahále composing the circle of each patwárí, or partly in the one way, and partly in the other, for defraying the salary of such patwárí, and any charges incurred on account of any additional establishment required for the proper supervision, maintenance and correction of the patwárí's records.

Fixing amount of rate.

30. The amount of the rate to be imposed under section twenty-nine in any district or Sub-division of a District, shall be determined by the Board under the orders of the Local Government:

Provided that such rate shall not exceed three per cent. on the annual value of the rated mahál, and that the amount to be imposed on each mahál shall be fixed in the temporarily settled districts for the term of settlement, and in permanently settled districts for thirty years, or such shorter period as the Local Government may direct.

31. The

31. The rate shall be collected with the revenue, and shall, in case of default, be recoverable by the same process as arrears of revenue. Collection of rate.

32. The salaries of the patwáris shall from time to time be fixed by the Board under the orders of the Local Government. Salaries of patwáris.

33. One or more Kánúngos may be appointed in each tahsíl for the proper supervision, maintenance and correction of the patwárí's records. Appointment of Kánúngos and filling vacancies among them.

In case of a vacancy in the office of a Kánúngo, preference shall be given to some duly qualified member of a family in which the office of Kánúngo of the tahsíl or any part thereof is hereditary.

If no such qualified member can be found, then one of the patwáris of the tahsíl shall, if duly qualified, be appointed to the vacancy, and failing any person duly qualified among them, some other fit and competent person shall be appointed thereto.

34. The salaries of the Kánúngos shall from time to time be fixed by the Local Government. Amount of Kánúngos' salaries.

35. Every Kánúngo and patwárí, and every person appointed temporarily to discharge the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code, Kánúngos and patwáris to be public servants, and their records public records.

and all official records and papers kept by any such officer shall be held to be public records and the property of Government.

CHAPTER III.

SETTLEMENT.

36. Whenever the Local Government thinks that any district or other local area liable to be brought under settlement should be so brought, it shall publish a notification specifying such area, Notification as to settlement.

and if it thinks that a record-of-rights in land, whether permanently settled, temporarily settled or revenue-free, should be prepared for any district or local area, it shall publish a notification to that effect. Notification as to record-of-rights.

37. Every

Settlement to be deemed in progress until closing notified.

37. Every local area shall be held to be under settlement from the date of any notification published under section thirty-six and relating thereto until the issue of another notification declaring settlement operations to be closed therein.

Settlements now in progress brought under operation of Act.

Every district or other local area under settlement at the time of the passing of this Act, shall be held to be under settlement within the meaning of this section without the issue of the notifications prescribed by section thirty-six.

Appointment and powers of Settlement Officers.

38. The Local Government may from time to time appoint an officer to be in charge of the settlement of one or more districts, or part of a district, and as many Assistant Settlement Officers as to it may seem fit; and such officers shall exercise the powers conferred upon them by this Act so long as such district, part of a district or districts is or are under settlement.

Local Government to issue rules as to mode of assessment.

39. The Local Government shall from time to time, with the previous sanction of the Governor General in Council, frame and issue rules regarding the mode in which the revenue demand is to be assessed.

Powers of Settlement Officers as to erection of boundary-marks and decision of disputes.

40. When any district, or part of a district, is under settlement, the Settlement Officer shall have power to call upon all proprietors, by proclamation to be stuck up in some conspicuous place in each village, to erect within fifteen days such boundary-marks as he may think necessary to define the limits of their villages, maháls, or fields; and in default of their compliance within the time specified in the notice, he may cause such boundary-marks to be erected, and he shall recover the cost of the erection from the proprietors as if it were an arrear of revenue.

In case of dispute concerning any boundary-marks, the Settlement Officer shall decide such dispute on the basis of possession, or may refer it to arbitration, for decision on the merits as provided for in section two hundred and twenty to section two hundred and thirty-one (both inclusive).

41. All

41. All Settlement Officers and all officers in charge of a survey made in connection with the revenue, and their assistants, servants, agents and workmen, may do all acts necessary for any purpose connected with the settlement or survey, as the case may be.

Power of settlement and survey officers to do necessary acts.

42. The Settlement Officer may order all persons, whose presence is in his opinion necessary for any of the purposes of this chapter to attend at any specified time and place, and to produce any written document in their possession or power; and all such persons shall be legally bound to obey such order.

Power to require attendance of persons concerned, and production of documents.

43. The settlement shall be made with the proprietor of the land; or, if the proprietor have transferred possession of his land to a mortgagee or conditional vendee, then with such mortgagee or vendee.

With whom settlement to be made.

If, at the time of settlement, a mahál or any share thereof, be in the possession of a lunatic, minor, or other person incapable of making a contract, the settlement shall be made with his guardian or manager on his behalf.

Settlement of mahál in possession of lunatic or minor.

44. When several persons hold a mahál, the Settlement Officer shall have power to make a joint settlement with all such persons, or with their representatives elected according to the custom of the mahál.

Power to make joint settlement with several proprietors, or their elected representatives.

45. Whenever the Settlement Officer frames general proposals of assessment in accordance with the rules made under section two hundred and fifty-seven, he shall report them through the Commissioner of the Division to the Board, and after receipt of the orders of the Board thereon, and subject to such orders, he shall ascertain the amount of the assessment proper for each mahál, and declare the same to the person with whom the settlement of such mahál is to be made.

Framing and reporting general proposals of assessment.

Detailed assessment and declaration thereof to persons concerned.

Such declaration shall be made on a date to be notified by proclamation at the tahsíl in which such mahál is situate.

46. If the persons with whom the settlement is to be made agree to the assessment so proposed, they and those (if any) whom they represent in interest shall

Effect of agreement to assessment proposed.

shall become liable from the date of such agreement, or from such subsequent date as the Board directs, to pay such assessment,

Distribution of assessment.

and in maháls in which the land, or part of the land, is held in severalty, the Settlement Officer shall distribute such assessment on the lands so held.

Enforcement of custom as to re-distribution of land and adjustment of revenue of shares.

47. In any mahál where, by the established custom, the land or the amount of revenue payable by each sharer is subject to periodicalre-distribution or re-adjustment, the Settlement Officer may, on application of the co-sharers, enforce such re-distribution or re-adjustment according to the established custom of the mahál.

Exclusion of person declining, or failing to accept, settlement.

48. If the person to be settled with refuse to accept the assessment offered by the Settlement Officer, or fail to accept such assessment within thirty days from the date of the declaration by the Settlement Officer under section forty-five, the Settlement Officer shall report the case through the Commissioner of the Division to the Board, and the Board may direct that the person so refusing or failing be excluded from the settlement for such term not exceeding fifteen years from the date of such direction, as the Board shall fix. And the Settlement Officer or the Collector of the District may, with the previous sanction of the Board, either farm the mahál or hold it under direct management during such term or any part thereof.

Allowance to person excluded.

In such case, the person so excluded shall be entitled (subject to the orders of the Board) to an allowance out of the profits of the mahál of not less than five or more than fifteen per cent. on the proposed assessment.

Procedure in case of some of several proprietors refusing assessment.

49. If, in a pattidárí or imperfect pattidárí mahál, some of the co-sharers refuse or fail within thirty days from the date of the declaration by the Settlement Officer under section forty-five to accept the proposed assessment, the shares of the persons so refusing or failing shall be dealt with under the provisions of section forty-eight, and they shall receive an allowance as laid down in that section in proportion to their respective shares in the mahál:

Provided

Provided that the farm of such shares shall be offered in the first instance to those proprietors who have accepted the proposed terms.

Farm of shares of proprietors refusing.

50. Any proprietor excluded from settlement under section forty-eight or forty-nine shall be entitled to hold his sír land as an exproprietary tenant, and the rent to be paid by him for such land during such exclusion shall be fixed by the Settlement Officer accordingly.

Adjustment of rent of the sír lands of proprietors of estate farmed under section 48 or 49.

51. The aggregate amount of any allowance assigned under section forty-eight or section forty-nine to any proprietor excluded from settlement and of the difference between the rent fixed under section fifty and the rent which he would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the assessment proposed by the Settlement Officer.

Amount of allowance assigned under section 48 or 49 to excluded proprietor, and of difference between rent fixed under section 50, and rent payable by him if he were a tenant-at-ill.

52. On the expiration of the term fixed under section forty-eight, the settlement shall be offered by the Collector of the District to the person then entitled to be settled with in respect of such mahál or portion, at such assessment for the remainder of the term of settlement of the district as the Board may direct.

Offer of settlement to excluded proprietor on expiry of term of exclusion.

And if such person refuse to accept the offer, the Collector of the District shall report such refusal through the Commissioner of the Division to the Board, and such person may be excluded from settlement for such period not exceeding the term of the settlement of the district as the Board may direct, and shall then receive the allowance to which he would be entitled if sections forty-eight and forty-nine applied to his case. And the rent to be paid by him as an exproprietary tenant for his sír land shall be fixed by the Collector of the District or Assistant Collector in accordance with the North-Western Provinces' Rent Act, 1873.

Procedure on refusal.

53. Whenever

Power to direct which of several parties having separate and different interests shall be admitted to settlement;

53. Whenever several persons possess separate heritable and transferable proprietary interests in any mahál, such interests being of different kinds, the Settlement Officer may, under the rules for the time being in force, determine

(*a*) which of such persons shall be admitted to engage for the payment of the revenue, due provision being made for securing the rights of the others, and

and to prescribe distribution of profits.

(*b*) the manner and proportion in which the nett profits of the mahál shall be allotted to the several persons possessing separate interests as aforesaid for the term of the settlement.

Power to make sub-settlement with inferior proprietor in behalf of superior proprietor of mahál coming under section 53.

54. If in any mahál coming under the provisions of section fifty-three, the separate properties bear to each other the relation of superior and inferior, and the settlement be made with the party possessing the superior right, the Settlement Officer may make, on behalf of the superior proprietor, a sub-settlement with the inferior proprietor, by which such inferior shall be bound to pay to the superior an amount equal to the Government demand in respect of the mahál, together with the share of the profits thereof allotted to the superior proprietor under section fifty-three:

Exclusion of inferior proprietor from sub-settlement in case of refusal of terms.

Provided that, if the inferior proprietor refuse to agree to the terms of such sub-settlement, the mahál shall be made over to the superior proprietor for the term of settlement.

Allowance.

And in such case the inferior proprietor shall hold as an exproprietary tenant the land (if any) cultivated by him at the date of such refusal, and the superior proprietor shall pay him such annual allowance as, when added to the difference between the rent fixed for such land and the rent which the inferior proprietor would be liable to pay therefor if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. of the profits allotted to him under section fifty-three.

Assessment on inferior proprietor

55. If the settlement of a mahál be made with the inferior proprietor, the amount to be paid by him shall

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shall be fixed by the Settlement Officer at such a sum as may be equal to the Government demand in respect of such mahál, together with the share of the profits allowed to the superior proprietor under section fifty-three; and in this case the share of the superior proprietor shall be realized as revenue, and paid to him from the Government Treasury.

when settlement made with him.

56. If in any mahál there exist persons possessing proprietary rights therein which are not of such a nature as to entitle their possessors to settlement, the Settlement Officer may make such arrangements as shall secure such persons in possession of their existing rights, or of an equivalent thereto.

Power to make arrangements for the benefit of persons possessing rights which do not entitle them to settlement

This may be done

(*a*) by the formation of a sub-settlement on behalf of the proprietors with such persons for any lands actually in their possession, or,

(*b*) in maháls held as joint undivided property and where the said rights are rights to receive from the tenants any money-payment or portion of the agricultural produce, by assigning, in lieu thereof, the proprietary right in a certain portion of the mahál, the profits of which are equivalent in the opinion of the Settlement Officer to the said payment or portion, or

(*c*) in such other way as shall maintain the persons referred to in the first clause of this section in the enjoyment of, or of an equivalent to, their existing rights.

57. When the waste-land belonging to, and included at the previous settlement within the boundaries of, any mahál assessed to the payment of revenue is so extensive as, in the opinion of the Settlement Officer, confirmed by the Board, to exceed the requirements of the owner of such mahál with reference to pastoral or agricultural purposes, such officer may make a separate settlement of the waste-land which he considers to be so in excess, and shall offer such waste-land to the owner of the mahál to which it belongs, at such assessment and for such term, not exceeding

Separate settlement of waste-land in excess.

exceeding the period of settlement of the mahál, as the Board may order.

If the owner of the mahál accepts such offer, the Settlement Officer shall make the settlement of such waste-land accordingly, and on the expiration of the term of such settlement, a farther settlement of such waste-land shall be offered, on such terms as the Board directs, to the person entitled to be settled with in respect thereof.

Allowance to owner of mahál refusing offer of settlement.

If the owner of such mahál refuses such offer, the Settlement Officer shall mark off the quantity so in excess, and declare it to be a separate mahál and at the disposal of Government: Provided that there shall be allowed to the owner of the mahál to which the waste-land originally belonged such annual sum as the Board may direct, being not less than five and not more than ten per cent. on the nett revenue realized by Government from such waste-land.

Procedure as to waste-land not included in any mahál at previous settlements.

58. Waste-land which has neither been judicially declared to be part of any mahál, nor included within the boundaries of any mahál at any previous settlement, shall be marked off by the Settlement Officer, and he shall record a proceeding declaring such land to be the property of Government, and cause a proclamation to that effect to be stuck up in the District Revenue Court and in the office of the tahsíl in which such land is situated, and shall call on all persons having any claims on such land to make the same within three months from the date of the proclamation.

Proclamation to be held an advertisement under Act XXIII of 1863.

59. Such proclamation shall be held to be an advertisement of the disposal of such land within the meaning of Act No. XXIII of 1863 *(to provide for the adjudication of claims to waste lands)*, section one, and any person having claims to such land must proceed according to the provisions of that Act.

Procedure as to waste-land unclaimed or adjudged to belong to Government.

60. If no claim is made to the proprietary right of such waste-land, or if such waste-land is decided to be the property of Government, but the proprietor of the adjoining mahál proves that he has theretofore enjoyed the use of such land for pastoral or agricultural

tural purposes, the Settlement Officer may assign to such mahál so much of such waste-land as he may consider requisite for such purposes; and he shall mark off the remainder and declare it to be the property of Government.

Settlement of waste-land adjudged to belong to claimant.

61. If the claimant obtain a decree under the provisions of the said Act No. XXIII of 1863 for the whole or part of such waste-land, the Settlement Officer may deal with the land to which a title is so established under the provisions of section fifty-seven.

RECORD-OF-RIGHTS.

Contents of record.

62. The Settlement Officer shall frame for each mahál a record containing a list of

(a) all the co-sharers,

(b) all other persons occupying any portion of the land therein, or who are in possession of any heritable or transferable interest in such land, or receiving rent in respect thereof,

(*c*) the nature and extent of the interest held therein by each of such co-sharers and other persons, and

(d) all persons holding land free of rent, or revenue-free.

Record to include particulars as to tenants.

63. The record shall also specify the persons (if any) holding land at a rent fixed by grant or by contract, or on condition of service or otherwise, and all other tenants in the mahál, the name and caste of each, the area of their holdings, and all conditions of their tenure.

Settlement of disputes as to entries to be made in record.

64. All entries in the record made under sections sixty-two and sixty-three shall be founded on the basis of actual possession, and all disputes regarding such entries, whether taken up by the Settlement Officer of his own motion or upon the complaint of the party concerned, shall be investigated and decided by him on that basis. And all persons not in possession, but claiming the right to be so, shall be referred by him to the proper Court.

65. The

Arrangements of co-sharers, to be recorded.

65. The Settlement Officer shall also record the arrangement made by himself or agreed to by the co-sharers,

(*a*) for the distribution of the profits derived from sources common to the proprietary body,

(*b*) for fixing the share which each co-sharer is to contribute of the Government revenue, and of the cesses levied under any law for the time being in force, and of the village expenses,

(*c*) as to the manner in which lambardárs or co-sharers are to collect from the cultivators,

(*d*) the instalments of rent and the respective dates fixed for their payment, and

(*e*) any other matters which he may be directed to record under rules framed under section two hundred and fifty-seven.

Cesses to be consolidated with rent.

66. All cesses which are payable by tenants on account of the occupation of land assessed to revenue and taken into account in such assessment, or which, in the case of land not assessed to revenue, would have been taken into such account had the land been assessed, or in lieu of which proprietary rights have been assigned under section fifty-six, clause (*b*), shall be consolidated with the rent payable by such tenants.

Cesses to be recorded.

A list of all other cesses levied in accordance with village custom shall, if generally or specially sanctionted by the Local Government, be recorded by the Settlement Officer, and no cesses not so recorded shall be enforced in any Civil or Revenue Court.

Conditions on collection of cesses.

The Local Government may from time to time impose on the collection of any cesses so sanctioned, such conditions as to conservancy, police or other establishments connected with the village, bázár or fair in or on account of which the cesses are levied, as it thinks fit.

Determination of disputes arising under sections 65 and 66.

67. If it appear to a Settlement Officer that there exist in any mahál under settlement any disputes relative to any of the matters which he is bound to record, under section sixty-five or section sixty-six, he may of his own motion, and without complaint being made, investigate and determine such disputes in accordance

accordance with the existing village custom, and frame the record accordingly.

Particulars to be stated in list of tenants.

68. In framing the list of tenants mentioned in section sixty-three, the Settlement Officer shall state as to each tenant the following particulars :—

(*a*) Whether, under the provisions contained in the North-Western Provinces Rent Act, he is a tenant holding at fixed rates, or an exproprietary tenant, or an occupancy-tenant, or a tenant without a right of occupancy :

(*b*) The rent which the landholder and the tenant then admit to be payable by the latter :

(*c*) If he be a tenant without a right of occupancy, the number of years during which he has held the land then in his possession :

(*d*) Any other condition of the tenure, whether contained in a written lease or otherwise.

Determination of class of tenants.

69. Notwithstanding anything contained in section sixty-four, in case of any dispute respecting the class or tenure of any tenant, the Settlement Officer shall decide according to the principles laid down in sections five, six, seven and eight of the North-Western Provinces Rent Act, 1873.

Determination of rent of tenants.

70. In case of any dispute regarding the rent payable by any tenant, the Settlement Officer shall decide according to the principles hereinafter laid down.

Enhancement and determination of rent of exproprietary tenants.

71. If the proprietor apply to the Settlement Officer to enhance or determine the rent of an exproprietary tenant, the Settlement Officer shall fix the rent of such tenant at a rate which shall be four annas in the rupee below the prevailing rate for land of a similar quality with similar advantages held by tenants-at-will in the same circle or tahsíl.

Determination of rent of occupancy-tenants by Settlement Officer.

72. If a landholder apply to enhance the rent previously paid by any of his occupancy-tenants,

or, if an occupancy-tenant apply for an abatement of the rent previously paid by him,

or, if a dispute exists as to the rent to be paid by an occupancy-tenant,

the

the Settlement Officer may fix the rent to be paid by such tenant either by reference to the standard of the rent-rate sanctioned by the Board for purposes of assessment for similar land, with similar advantages, in the circle or tahsíl in which the holding of such tenant is situate or by reference to the customary rate of rent paid by tenants of the same class for similar land, with similar advantages, in the same circle or tahsíl.

Power to commuterent in kind, &c., to fixed money rents.

73. In all cases in which rents have heretofore been paid in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others of such ways, application to commute such rent to a fixed money rent may be made to the Settlement Officer either by the landholder or by any exproprietary tenant or occupancy-tenant.

Procedure on receiving application to commute.

74. On receipt of such application the Settlement Officer shall deal with the case as if it were an application under section seventy-one or seventy-two, and shall determine the sum to be paid in commutation in accordance with the provisions of those sections.

Joinder of tenants in applications relating to rent.

75. Whenever an application for enhancement or abatement or commutation of rent, against or by any number of tenants, is brought before a Settlement Officer, such tenants may be sued or may sue collectively: and it shall be no ground for dismissing or refusing to hear the application, that such tenants are wrongly joined as plaintiffs or defendants, provided all such tenants cultivate in the same mahál;

Proviso.

but no order shall be passed in such case in which enhancement, abatement or commutation of rent is claimed, unless the officer making such order is satisfied that all parties have had an opportunity to appear and make objection to any claims preferred against them.

Order in such cases.

76. Every order passed in any such case shall specify the extent to which each of the tenants named in the order shall be affected thereby.

77. The

77. The rent fixed by order of the Settlement Officer shall be payable from the first day of July next following the date of the order of the Settlement Officer, and (subject to the provisions of sections sixteen and seventeen of the North-Western Provinces Rent Act, 1873) shall not be liable to enhancement or abatement for ten years from such first day of July.

Rent from what date payable.

Bar to enhancement or abatement.

78. The Local Government may from time to time, by notification in the official Gazette,

Powers of Local Government as to commutation-suits.

(*a*) declare the provisions of section seventy-three applicable to any district or portion of a district not under settlement;

(*b*) declare what officers are empowered to hear and decide applications under section seventy-three in such district or portion of a district, and lay down rules for their guidance;

(*c*) withdraw any notification previously published under this section.

79. And whereas all grants (whether in writing or otherwise) for holding land exempt from the payment of rent which have been made since the first day of December 1790, by any authority other than that of the Governor General in Council were declared by Bengal Regulation XIX of 1793, section ten, to be null and void, and like provisions have been by divers Regulations at different times applied to the several parts of the territories to which this Act extends; and the said Regulation XIX of 1793 also provided that no length of possession should be considered to give validity to any such grant, either with regard to the property in the soil or the rents of it, it is hereby enacted as follows:—

Resumption of rent-free grants.

Applications by the proprietors to resume such grants or to assess rent on the land shall, when the district in which the land is situate is a district under settlement, be made to the Settlement Officer, who may (subject to this Act and to any rules made hereunder and for the time being in force) make such order thereon as he deems just.

Disposal of applications to resume such grants.

80. Nothing in section seventy-nine applies to either of the following cases,

Saving of certain lands held rent-free.

(*a*) where

(*a*) where land is, previously to the passing of this Act, held rent-free under a judicial decision,

(*b*) where, previously to the passing of this Act, land held rent-free has been purchased for a valuable consideration and its resumption has been barred by Act No. X of 1859, section twenty-eight, or by Act IX of 1871, second schedule, No. 130.

Validity of grants which grantor has expressly agreed not to resume.

81. Grants of land held under a written instrument (whether executed before or after the passing of this Act) by which the grantor expressly agrees that the grant shall not be resumed, shall be held valid as against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate, which was current at the date of the grant.

When rent-free tenure confers proprietary right.

82. Where any land has been for fifty years or upwards, and still is, held rent-free and by at least two successors to the original grantee, such holding shall be deemed to confer on the holder a proprietary right.

Nothing in the Indian Limitation Act, 1871, shall bar the right to make an application under this Act to assess to rent land held rent-free.

Saving of liability for Government revenue.

83. No length of rent-free occupancy of any land, nor any grant of land made by the proprietor, shall release such land from its liability to be charged with the payment of Government revenue.

Sections 71 and 72 to apply.

84. In assessing rent under section seventy-nine, the Settlement Officer shall be guided by the provisions of sections seventy-one and seventy-two, so far as they apply.

Form of register of revenue-free tenures.

85. The Settlement Officer shall record all revenue-free tenures in such form of register as the Board from time to time prescribes.

Resumption in certain cases of land held revenue-free.

86. The Settlement Officer shall enquire into the case of all lands released, conditionally or for a term, from the payment of revenue, and shall assess such lands if it appear to him that the conditions have been transgressed, or the term has expired.

87. Any

87. Any person claiming land free of revenue not recorded as revenue-free, shall be bound to prove his title to hold such land free of revenue.

Title to hold free to be proved.

88. If he prove his title to the satisfaction of the Settlement Officer, the case shall be reported to the Local Government whose orders thereon shall be final.

Report to Government where title proved.

89. If the title be not so proved, the Settlement Officer shall proceed to assess the land, and to make the settlement of it with the person in actual possession as proprietor.

Assessment and settlement on failure of proof.

90. The Board shall from time to time prescribe the form in which the record to be made under the provisions of this chapter shall be drawn up, and the manner in which it shall be attested.

Form and attestation of record-of-rights.

91. All entries in the record so made and attested shall be presumed to be true until the contrary is proved.

Presumption as to entries.

92. No settlement shall be considered final until it has been confirmed by the Local Government.

Confirmation of settlement and revision of assessment.

The Local Government shall at some time before confirming the settlement fix the period for which the settlement is to be made.

Period for which settlement is to be made.

Such period shall be fixed with reference to the agricultural year.

The assessment may be revised, if the Local Government so directs, at any time before it is confirmed, and in such case the revised assessment shall be proposed to the proprietors, and the provisions of sections forty-three to ninety-one (both inclusive) shall apply.

Revision of assessment before confirmation.

93. At any time during the currency of a settlement, the Local Government may invest any officer with all or any of the powers of an Officer in charge of a Settlement under this Act within such limits, and with such restrictions, and for such period, as it thinks fit;

Power to invest officer with Settlement Officer's powers.

but not so as to enable him to enhance the total amount of revenue payable on account of any mahál

except

except in respect of land added thereto or becoming liable to payment of revenue since the confirmation of the settlement.

No officer so invested shall alter the classification of tenants made under this Act except on the application of a party concerned.

CHAPTER IV

REGISTRATION AND MAINTENANCE OF RECORDS.

Collector to maintain record-of-rights, and register changes, and correct errors.

94. The Collector of the District shall keep and maintain the record-of-rights;

and he shall from time to time cause to be registered all changes that may take place, and anything that may affect any of the rights or interests recorded;

and shall correct any errors which the parties interested admit to have been made in the record.

Power to order what registers shall be kept. Changes to be duly authorized.

95. The Board shall order such registers to be kept up as may be necessary for the purposes of the last preceding section; and no such changes shall be recorded without the order of the Collector of the District or Assistant Collector.

Power to prescribe fees for mutations. Levy of fees. Appropriation.

96. The Local Government may prescribe proper fees for mutations in the registers: Provided that no fee for a single mutation shall exceed one hundred rupees.

Such fees shall be levied from the person in whose favour the mutation is made and shall be expended in such manner as the Local Government thinks fit.

Successions to proprietary rights to be notified.

97. All persons succeeding to any proprietary right in a mahál, or the profits thereof, whether by inheritance, purchase, gift, or other form of transfer, shall notify the same immediately after it has taken place to the tahsíldár of the tahsíl in which the mahál is situated, and the tahsíldár shall report such notice to the Collector of the District or the Assistant Collector.

Procedure on notification.

98. The Collector of the District or Assistant Collector, on receiving such report, shall make such enquiry as appears necessary to ascertain the truth of

of the alleged succession to, or transfer of, the property, and if the succession or transfer appears to have taken place, he shall record the same in the register:

Provided that no such entry shall be held to affect the rights of any other person who may claim and establish in any Civil or Revenue Court any interest in the land to which the entry has reference.

Saving of rights of other persons interested.

99. If the person so succeeding is a minor or otherwise disqualified, the guardian or other person who has charge of his property shall make the notification required by section ninety-seven.

Notification in case of minority or other disqualification.

100. Any person neglecting to make the notification required by sections ninety-seven and ninety-nine within three months from the date of the transfer having taken place shall be liable, at the discretion of the Collector of the District or Assistant Collector, to a fine not exceeding five times the amount of the fee which would otherwise have been payable under section ninety-six.

Fine for neglect to notify.

101. If in the course of inquiry made under section ninety-eight a dispute regarding the possession of the property arises, and the Collector of the District or Assistant Collector is unable to satisfy himself as to which party is in possession, he shall ascertain by summary enquiry who is the person best entitled to the property, and shall put such person in possession, and make the necessary entry in the record accordingly, subject to any order that may be subsequently passed by the Civil Court.

Power to put one party in possession in certain cases of dispute.

102. The transfers of all interests in land, other than those referred to in section ninety-seven, shall be recorded by the Kánúngo and patwárí in such manner as the Board from time to time directs;

Registry of transfers of nonproprietary interests in land.

and all disputed cases shall be reported to the Collector of the District or Assistant Collector, who shall make such enquiry as may be necessary to ascertain the truth, and cause the record to be amended accordingly.

Enquiry in disputed cases.

103. The Collector of the District or Assistant Collector shall enquire annually into the cases of all land

Annual enquiry as to revenue-free grants.

land released conditionally or for a term from the payment of revenue.

If the condition be broken, he shall report the case through the Commissioner of the Division to the Board for orders,

and if the term has expired, or (where the grant is for the life of the grantee) if the grantee has died, he shall assess the land and report his proceedings through the Commissioner of the Division to the Board for sanction.

Assessment of land added by alluvion.

104. All land added by alluvion to a mahál is liable to assessment. Such land may be assessed and settled under rules to be framed under section two hundred and fifty-seven.

Collector and Assistant Collector to have powers of Officer in charge of Settlement.

105. For the purposes of sections one hundred and three and one hundred and four, the Collector of the District and Assistant Collector shall each have the powers of an Officer in charge of a Settlement.

Inspection of records.

106. All records kept under this Act shall be open to public inspection at such hours and on such conditions as to fees or otherwise as the Local Government may from time to time prescribe.

PARTITION AND UNION OF MAHÁLS.

Partitions.

107. Partition is either perfect or imperfect.

'Perfect partition.'

'Perfect partition' means the division of a mahál into two or more maháls.

'Imperfect partition.'

'Imperfect partition' means the division of any property into two or more properties, jointly responsible for the revenue assessed on the whole.

Persons entitled to perfect partition.

108. Any recorded co-sharer in a mahál, and any person in whose favour a decree has been passed by any Civil Court, awarding to him the proprietary right in a portion of a mahál, whether such portion consists of a fractional share in the whole or a part of the mahál, or of specific lands, is entitled to claim perfect partition of his share.

Any two or more recorded co-sharers may claim that their shares be divided from the other shares by a perfect partition, and be held by them as a single mahál.

109. Applications

109. Applications for perfect partition are to be made in writing to the Collector of the District or the Assistant Collector in charge of the sub-division of the district in which the mahál is situated; Applications for perfect partition.

and shall be accompanied by a certified copy of the record, showing the share held by the applicant in the mahál.

Provided that, if the mahál be situated in two or more districts, the application may be made in any one of those districts, and the partition shall be made by such one of the Collectors of those districts as the Board may direct. Provision as to estates situated in more than one district;

110. If the mahál is situated in two or more sub-divisions of a district, the partition shall be made by such one of the Assistant Collectors respectively in charge of such sub-divisions as the Collector of the District may direct. and as to estates in more than one sub-division.

111. The Collector of the District or Assistant Collector, on receiving an application for partition shall, if the application be in order and not open to objection on the face of it, publish a notification of the same at his office, and at some conspicuous place on the mahál to which the application relates, Notification of application.

and shall serve a notice on all such of the recorded co-sharers in the mahál as have not joined in the application, requiring any co-sharer in possession who may object to the partition to appear before him to state his objection, either in person or by a duly authorized agent, on a day to be specified in the notice, not being less than thirty or more than sixty days from the date on which such notice was issued. Notice to co-sharers not joining.

Where, from any cause, notice cannot be personally served on any co-sharer, the notification shall be deemed sufficient notice under this section. Notification when alone sufficient.

112. If, on or before the day specified, any objection is made to the partition by any co-sharer in possession, and the Collector of the District or Assistant Collector, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be absolutely disallowed, he Power to refuse partition when objection admitted.

may

may refuse the application, recording the grounds of his refusal.

Procedure if question of title be raised.

113. If the objection raises any question of title, or of proprietary right, which has not been already determined by a Court of competent jurisdiction, the Collector of the District or Assistant Collector may either decline to grant the application until the question in dispute has been determined by a competent Court, or he may proceed to inquire into the merits of the objection.

In the latter case the Collector of the District or Assistant Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests of the party or parties applying for the partition, and any other party or parties who may be affected thereby.

Procedure in such cases.

The procedure to be observed by the Collector of the District or Assistant Collector in trying such cases shall be that laid down in the Code of Civil Procedure for the trial of original suits, and he may with the consent of the parties refer any question arising in such case to arbitration, and the provisions of chapter VI (relative to arbitrators) of the same Code shall apply to such references.

Reference to arbitration.

Collector's decision equivalent to decision of Civil Court.

114. All orders and decisions passed by the Collector of the District or Assistant Collector under the last preceding section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or High Court, under the rules applicable to regular appeals to those Courts.

Appeal thereupon.

Appellate Court may stay partition.

Upon such appeal being made, the District or High Court, as the case may be, may issue a precept to the Collector of the District or Assistant Collector, desiring him to stay the partition pending the decision of the appeal.

Special appeal to High Court.

115. From every decision passed under section one hundred and fourteen by a District Court, a special appeal shall lie to the High Court, under the rules for the time being in force relating to special appeals to that Court.

116. When

116. When it has been decided to make a partition under this chapter, the Collector of the District or Assistant Collector may give the parties the option of making the partition themselves, or of appointing arbitrators for the purpose; or he shall make the partition himself or cause it to be made by any Assistant Collector subordinate to him.

Option to parties to make partition themselves or to appoint arbitrators.

If arbitrators are appointed, the provisions of sections two hundred and twenty to two hundred and thirty-one, both inclusive, shall apply.

117. In making partitions, the Collector of the District or Assistant Collector, and any person appointed by him, shall have the same powers to enter on the land under partition, for marking out the boundaries, surveying the mahál, and other purposes, as have been conferred on Settlement Officers under chapter III.

Power to enter on land for purposes of partition.

118. Where there are no lands held in common, the lands held in severalty by the applicant for partition shall be declared a separate mahál, and shall be separately asesssed to the Government revenue.

Partition of lands held only in severalty.

119. Where some of the lands are held in common, the Collector of the District or Assistant Collector shall allot to the applicant for partition his share of such lands in accordance with village-custom, if any such exist.

Partition of lands some of which are held in common.

If no such custom exist, the Collector of the District or Assistant Collector shall make such division as may secure to the applicant his fair portion of the common lands.

120. The portion of the common lands falling by such partition to the share of the applicant shall be added to the land held by him in severalty, and the maháls thus formed shall be assessed and declared separate maháls.

Formation of separate maháls from shares allotted in partition.

121. In making partitions under sections one hundred and eighteen, one hundred and nineteen and one hundred and twenty, the Collector or Assistant Collector shall give effect to any transfer of lands held in severalty, forming part of the mahál, agreed to

Transfers to be effectuated in making partition.

to by the parties, and made previous to the declaration of the partition.

Partition where all lands held in common.

122. Where all the lands are held in common, the Collector of the District or Assistant Collector shall make such a partition as may secure to the applicant his fair share of the mahál.

Maháls to be compact; partition not to be disallowed for incompactness.

123. In all cases each mahál shall be made as compact as possible: Provided that, except with the sanction of the Board, no partition be disallowed solely on the ground of incompactness.

Rule when dwelling-house of one sharer is included in mahál assigned to another.

124. If in making the partition it be necessary to include in the mahál assigned to one sharer, the land occupied by a dwelling-house or other building in the possession of another co-sharer, such other co-sharer shall be allowed to retain it, with any buildings thereon, on condition of his paying a reasonable ground-rent for it to the sharer into whose portion it may fall.

The limits of such land, and the rent to be paid for it, shall be fixed by the Collector of the District or Assistant Collector.

Rule as to sír-land of one sharer being included in mahál assigned to another.

125. No sír-land belonging to any co-sharer shall be included in the mahál assigned on partition to another co-sharer, unless with the consent of the co-sharer who cultivates it, or unless the partition cannot otherwise be conveniently carried out.

If such land be so included, and after partition such co-sharer continue to cultivate it, he shall be an occupancy-tenant of such land, and his rent shall be fixed by order of the Collector of the District or of the Assistant Collector.

Rule as to tanks, wells, water-courses and embankments.

126. Tanks, wells, water-courses and embankments shall be considered as attached to the land for the benefit of which they were originally made.

Where, from the extent, situation or construction of such works, it is found necessary that they should continue the joint property of the proprietors of two or more of the maháls into which the mahál may be divided, the Collector of the District or Assistant Collector shall determine the extent to which the proprietors

proprietors of each mahál may make use of the said works, and the proportion of the charges for repairs of such works to be borne by such proprietors respectively, and the manner in which the profits, if any, derived from such works, shall be divided.

127. Places of worship and burial-grounds, held in common previous to the partition of a mahál, shall continue to be so held, unless the parties otherwise agree among themselves.

Rule as to places of worship and burial-grounds.

In such cases they shall state in writing the agreement into which they have entered, and such writing shall be filed with the record.

128. The amount of revenue to be paid by each portion of the divided mahál shall be determined by the Collector of the District or Assistant Collector; provided that the aggregate revenue of the new maháls shall not exceed the revenue assessed on the mahál immediately before partition,

Determination of revenue payable by each division of a mahál.

and the proprietors of the new maháls shall be held liable for the portions of the revenue severally assessed on their maháls, whether new engagements be taken from them or not.

Liability of proprietors.

129. The Board shall make rules for determining the costs of partitions under this Act, and the mode in which such costs are to be apportioned:

Power to make rules as to costs.

Provided that the cost of surveying a mahál, when such survey is necessary for the purpose of partition, shall be paid rateably by all the co-sharers of the mahál, according to their shares therein.

Cost of survey.

130. If the costs to be paid by the applicant for partition are not paid within a time to be fixed by the Collector of the District or Assistant Collector, the case may be struck off the file.

Case may be struck off for default as to costs.

And if at any stage of the proceedings there appears to be any reason for stopping the partition, the Collector of the District may of his own motion, or on the report of the Assistant Collector making the partition, stay the partition and order the proceedings to be quashed.

Power to stay partition.

131. Every partition shall either be made by the Collector of the District, or, if made by an Assistant Collector,

Partitions to be made or confirmed by Collector.

and notified to parties.

Collector, be reported to the Collector of the District for his sanction and confirmation;

and on completion of a partition, the Collector of the District shall publish a notification of the fact at his office and at some conspicuous place on each of the new maháls, or in the village of which they form part;

When to take effect.

and it shall take effect from the first day of July next after the date of such notification.

Appeal to Commissioner from orders of Collector.

132. An appeal against the decision of the Collector of the District making or confirming a partition, shall lie to the Commissioner of the Division within one year from the date on which such partition takes effect.

Power to order new allotment of revenue on proof of fraud or error in first distribution.

133. Where the public revenue is fraudulently or erroneously distributed at the time of the partition, the Local Government may, within twelve years from the time of discovery of the fraud or error, order a new allotment of the public revenue upon the several maháls into which the mahál has been divided, on an estimate of the assets of each mahál at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

Making of imperfect partitions.

134. Imperfect partition shall be carried out according to the provisions of the preceding sections, so far as they are applicable:

Consent required.

Provided that no application for imperfect partition shall be entertained unless the consent of all the recorded co-sharers in the property of which partition is sought be first obtained.

Civil Courts barred from entertaining applications for partition.

135. No Civil Court shall entertain any suit or application for perfect or imperfect partition.

Union of maháls originally part of same village.

136. If two or more revenue-paying maháls have originally formed portion of the same village, the proprietors shall be entitled to have such maháls united and to hold them as a single mahál.

Application for such union.

137. Every application for the union of such maháls shall be made in writing to the Collector of the

the District or Assistant Collector in charge of the sub-division of the district in which the maháls are situate.

How to be dealt with.

138. If the Collector of the District or Assistant Collector, as the case may be, see no objection, he shall comply with the application, and cause the necessary entries to be made in the records of his office, reporting the case to the Commissioner of the Division.

Application of chapter to partition or union of revenue-free maháls.

139. The provisions of this chapter, so far as they are applicable, may be applied by the order of the Collector of the District to the partition or union of maháls held free of revenue.

MAINTENANCE OF BOUNDARIES.

Power of Collector and subordinates to enter and survey land, mark boundaries, and settle disputes.

140. The Collector of the District, Assistant Collectors and their subordinates, shall have power to enter upon and survey land, and to demarcate the boundaries of maháls, villages or fields.

Obligations of owners as to boundary-marks.

141. All owners of maháls, villages or fields are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon.

Penalty for erasing, removing or injuring marks.

142. Any person convicted before a Collector of the District or Assistant Collector of wilfully erasing, removing or damaging such boundary-marks, may be ordered by the convicting officer to pay such sum, not exceeding fifty rupees, for each mark so erased, removed or damaged, as may be necessary to defray the expense of restoring the boundary-marks so erased, removed or damaged, and of rewarding the informer through whom the conviction was obtained.

Who to be charged for re-erection and repair when offenders not discoverable.

143. Whenever the person erasing, removing or damaging any such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been so ordered to pay, the mark shall be re-erected or repaired at the charge of the owner or owners of such one or more of the conterminous fields or maháls, as to the Collector of the District or Assistant Collector seems fit.

144. The

Powers of Collector as to boundary-disputes and boundary-marks.

144. The Collector of the District or Assistant Collector may decide, on the basis of possession, all disputes concerning boundaries, and may at any time direct the owners of maháls, villages or fields, by written notice served upon them,

(*a*) to cause proper boundary-marks to be erected on such maháls, villages or fields,

(*b*) to repair the boundary-marks lawfully erected on such maháls, villages or fields.

In default of their compliance with such direction within fifteen days from the date of the service of the notice, the Collector of the District or Assistant Collector shall cause such boundary-marks to be erected or repaired, as the case may be, and shall charge the cost of such erections or repairs to the owners of the conterminous villages, fields or maháls, in such proportion as he thinks fit.

Recovery of fees, fines and costs.

145. All fees, fines, costs and other sums ordered to be paid under this chapter shall be recoverable as an arrear of revenue.

CHAPTER V.

Collection of Land Revenue.

Responsibility for revenue.

146. In the case of every mahál the entire mahál and all the proprietors jointly and severally shall be responsible to Government for the revenue for the time being assessed on the mahál.

Board may make rules as to payment of revenue.

147. The Board may, with the previous sanction of the Local Government, from time to time make rules as to the instalments in which, and the persons, places and times to whom and at which, the revenue payable in respect of any land shall be paid.

Until the issue of such rules, the said revenue shall be paid in the instalments, to the persons, and at the times and places, in which, to whom, and at which it is now paid.

Arrear. Defaulters.

148. Any sum not so paid becomes thereupon an arrear of revenue, and the persons responsible for it become defaulters.

No

No interest shall be demanded on any arrear of land-revenue. Interest not chargeable.

If the settlement has been made with a lambardár on behalf of the proprietary body, both the lambardár and the persons so responsible shall be deemed defaulters. Default where settlement is with lambardár.

149. A statement of account certified by the tahsíldár shall be conclusive evidence of the existence of the arrear, of its amount, and of the person who is the defaulter. Certified account to be evidence as to arrear.

150. An arrear of revenue may be recovered by the following processes:— Process for recovery of arrears.

(*a*) by serving a writ of demand (*dastak*) on any of the defaulters;

(*b*) by arrest and detention of his person;

(*c*) by distress and sale of his moveable property;

(*d*) by attachment of the share, or pattí, or mahál, in respect of which the arrear is due;

(*e*) by transfer of such share or pattí to a solvent co-sharer in the mahál;

(*f*) by annulment of the settlement of such pattí, or of the whole mahál;

(*g*) by sale of such pattí, or of the whole mahál;

(*h*) by sale of other immoveable property of the defaulter.

151. Writs of demand may be issued on or after the day following that on which the arrear accrues. When writs may issue.

The Board shall from time to time frame rules for the issue of such writs, and fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such writs shall be issued. Power to frame rules as to writs.

152. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for fifteen days, unless the arrear, together with the costs of arrest, is sooner paid. Arrest and detention of defaulter.

The Board may, from time to time, declare by what officers or class of officers the powers of arrest conferred by this Act may be exercised. Power of arrest by whom to be exercised.

153. The

Distress and sale of his moveable property.

Exceptions.

153. The Collector of the District or Assistant Collector may, whether the defaulter has been arrested or not, distrain and sell his moveable property, with the exception of the implements of husbandry and cattle actually employed by him in agriculture, and, in the case of an artizan, of his tools.

Power to attach defaulter's land and take it under direct management.

154. When an arrear of land-revenue has become due, the Collector of the District may, in addition to or instead of any of the other processes before specified, cause the share, or pattí, or mahál, in respect of which the arrear is due, to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Powers and obligations of manager.

155. The Collector of the District, or the agent so appointed, shall be bound by all the engagements which existed between the person or persons who, immediately before the attachment, was or were in possession of the land attached, and the subordinate proprietors or tenants, if any,

and shall be entitled to manage the land attached, and to receive all rents and profits accruing therefrom to the exclusion of such person or persons, until the arrears of land-revenue due therefrom have been satisfied, or until the Collector of the District restores to the management thereof the person or persons whose interest has been attached.

Application of surplus profits.

156. All surplus profits of the land attached, beyond the cost of such attachment and management, including the payment of the current revenue, shall be applied in defraying the said arrear;

Limit to term of attachment.

and no land shall be attached for the same arrears for a longer term than five years from the first day of July next after the attachment; provided that, if the arrear be sooner liquidated, the land shall be released and the surplus receipts (if any) made over to the proprietor.

Transfer of defaulter's share to co-sharers.

157. When the arrear is due in respect of a share or pattí of a mahál, the Collector of the District may, with the previous sanction of the Board, transfer such share or pattí, for a term not exceeding fifteen years from the first day of July next after the date of

of the sanction, to any or all of the other co-sharers, on condition of their paying such arrear and on such terms as the Board in each case may think fit.

This procedure shall not affect the joint and several liability of the co-sharers of the mahál in which it is enforced.

Liability of co-sharers not affected.

158. When any arrear of land-revenue is due and the Collector of the District is of opinion that the processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to or instead of all or any of such processes, report, through the Commissioner of the Division, the matter to the Board, and the Board may thereupon order the existing settlement of the pattí or mahál, in respect of which the arrear is due, to be annulled.

When report may be made to Board and settlement annulled.

The provisions of this section shall not be put in force for the recovery of any arrear of land-revenue which may have accrued on land,

Exception of certain arrears.

(*a*) while under attachment under section one hundred and fifty-four, or

(*b*) while under the charge of the Court of Wards.

159. When the settlement of any land has been annulled, the Collector of the District may, with the previous sanction of the Board, either manage the land himself or through an agent, or he may let it in farm to any person willing to accept the same, for such term and on such conditions as may be sanctioned by the Board:

When settlement annulled, Collector may manage land himself, or by agent, or let it in farm.

Provided that the term for which land may be so held or farmed be not longer than fifteen years from the first day of July next after the date of such annulment.

And no contracts made by the persons who immediately before the annulment of the settlement were in possession of the lands comprised therein, or by the persons through whom they respectively claim, relating to such lands, shall, during such term, be binding on the Collector of the District, or his agent, or lessee.

Suspension of contracts.

160. When

Proclamation of attachment or annulment of settlement.

160. When the Collector of the District attaches any land under section one hundred and fifty-four, or when the settlement of any land has been annulled under section one hundred and fifty-eight, he shall make public proclamation thereof on the mahál.

Payments thereafter to defaulter not to discharge payer.

161. No payment made after such proclamation on account of rent, or any other asset of the mahál, to any person other than the Collector of the District or his agent, or lessee, shall be credited to the person making such payment, or relieve him from liability to payment to the Collector of the District, his agent, or lessee.

Payments to defaulter in anticipation of due date.

162. No payment made to the defaulter, in anticipation of the usual period for the payment of the rents, shall, without the special sanction of the Collector, be credited to the person making the same in account with the Collector of the District or with the person to whom he gives possession.

Recovery of revenue due from farmer.

163. When any land has been farmed for arrears of revenue, any balance of revenue due from the farmer may be recovered from him or his surety as an arrear of revenue under the provisions of this Act.

Suspension of responsibility of co-sharers for revenue of portion of mahál as to which settlement is annulled.

164. Whenever the settlement of a portion of a mahál is annulled under section one hundred and fifty-eight, the joint responsibility of the co-sharers for the revenue of such portion of the mahál subsequently becoming due shall be in abeyance until a new settlement of such portion is made under section one hundred and sixty-five.

Offer of settlement to proprietor on expiry of period for which land is farmed or taken under management.

165. After the expiration of the period for which any land has been farmed, or held pursuant to section one hundred and fifty-nine under direct management for the recovery of an arrear of revenue, the Collector of the District shall offer to the person entitled to be settled with under section forty-three a new settlement, on such conditions as the Board may direct, for the remainder of the term of the settlement of the district; and if he refuse such offer, the Collector of the District may (with the previous sanction of the Board) farm the land to some other person, or hold it under direct management under the provisions

provisions of sections forty-eight, forty-nine, fifty and fifty-one.

166. When an arrear of land-revenue has become due and the Collector of the District is of opinion that the other processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to, or instead of, all or any of such other processes, and subject to the provision hereinafter contained, and with the previous sanction of the Board, sell by auction the pattí or mahál in respect of which such arrear is due.

Power to sell by auction defaulter's pattí or mahál.

Provided that no land shall be sold—

Bar to sale for certain arrears.

(*a*) for any arrear which may have accrued while it was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section one hundred and ninety-four, clauses (*a*), (*b*), (*c*), (*d*) or (*e*);

(*b*) for any arrear which may have accrued while it was under attachment under section one hundred and fifty-four;

(*c*) for any arrear which may have accrued while it was held under direct management by the Collector of the District, or in farm by any other person, under section forty-eight, forty-nine, one hundred and fifty-nine or one hundred and sixty-five.

167. Land sold under the last preceding section shall be sold free of all incumbrances,

Land to be sold free of incumbrances.

and all grants and contracts previously made by any person other than the purchaser in respect of such land shall become void as against the purchaser at the auction-sale.

Grants and contracts void against purchaser.

Nothing in the former part of this section applies—

Exceptions.

(*a*) in districts or portions of districts permanently-settled, to farms granted in good faith at fair rents, and for specified areas, by a former proprietor for terms not exceeding twenty years, under written leases duly registered;

(*b*) in all districts, to lands held under *bonâ fide* leases at fair rents, temporary or perpetual, for the erection

erection of dwelling-houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, such lands continuing to be used for the purposes specified in such leases.

Power to proceed against interest of defaulter in property other than that in respect of which default is made.

168. If the arrear cannot be recovered by any of the above processes, and the defaulter owns any other mahál, or any share in any other mahál, or any other immoveable property, the Collector of the District may proceed against such mahál or other immoveable property, as if it were the land on account of which the revenue is due, under the provisions of this Act:

Provided that no other interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by such proceeding.

Procedure in effecting sale

169. On the receipt of the sanction of the Board to the sale of any land, the Collector of the District shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the time and place of sale,

and (when the land to be sold is a mahál or part of a mahál paying revenue to Government) the revenue assessed upon it, together with any other particulars he may think necessary.

Proclamation of sale.

170. When the land is sold for arrears of revenue due thereon, the proclamation shall declare that the land is to be sold free of any incumbrance except the farms and leases (if any) mentioned in section one hundred and sixty-seven.

Such proclamation shall be made at the head-quarters of the tahsíl in which the land is situate, and also in the village of which it is a part.

Notification of sale.

171. A written notice of the intended sale and of the time and place thereof shall be affixed in the office of the Collector of the District, and, where the Assistant Collector in charge of the sub-division in which the land is situate has a separate office, then also in such office, and a copy of such notice shall be served on the defaulter.

172. The

172. The sale shall be made either by the Collector of the District in person or by an Assistant Collector specially appointed by him in this behalf.

Sale by whom to be made.

No such sale shall take place on a Sunday or other authorized holiday, or until after the expiration of at least thirty days from the date on which the said notice thereof has been affixed in the office of the Collector of the District, and proclamation of the sale has been made in the village in which the land is situate.

Time when sale may be made.

The Collector of the District may from time to time postpone the sale, reporting such postponement to the Commissioner of the Division.

Postponement of sale.

173. If the defaulter pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, to the person appointed under section one hundred and forty-seven to receive payment of the land-revenue assessed on such land, or to the Collector of the District, or the Assistant Collector in charge of the sub-division of the district in which the land is situate, the sale shall be stayed.

When sale may be stayed.

174. The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent. on the amount of his bid, and in default of such deposit the land shall forthwith be again put up and sold.

Deposit by purchaser.

Re-sale in default of deposit.

175. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the land took place, or, if the said fifteenth day be a Sunday or other authorized holiday, then on the first office day after such fifteenth day;

Purchase-money when to be paid.

and in default of payment within such period, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

Effect of default.

176. If the proceeds of the sale which is eventually made be less than the price bid by such defaulting purchaser, the difference shall be leviable from

Liability of purchaser for loss by re-sale.

him

him under the rules contained in the Code of Civil Procedure for enforcing payment of money in satisfaction of a decree of Court.

Notification before re-sale.

177. Every re-sale of land in default of payment of the purchase-money shall be made after the issue of a fresh notice in the manner prescribed for original sales.

Sale to be reported to Commissioner.

178. Every sale of land under this Act shall be reported by the Collector of the District to the Commissioner of the Division.

Application to set aside sale.

179. At any time within thirty days from the date of the sale, application may be made to the Commissioner of the Division to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it;

but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake complained of.

Order confirming or setting aside sale.

180. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Commissioner of the Division shall make an order confirming the sale;

and if such application be made and allowed, the Commissioner shall make an order setting aside the sale.

Every order made under this section shall be final.

Bar of claims against Government.

181. If no such application be made within the time allowed by section one hundred and seventy-nine, all claims founded on the irregularity or mistake complained of shall, as against the Government, be barred.

Nothing herein contained shall preclude the institution of a suit in a Civil Court for the purpose of setting aside a sale on the ground of fraud.

Refund of purchase-money when sale set aside.

182. Whenever the sale of any land is set aside, the purchaser shall be entitled to receive back his purchase-money, with or without interest, in such manner

manner as the Commissioner of the Division thinks fit.

On confirmation of sale, purchaser to be put in possession.

183. After a sale of land on which an arrear of revenue is due has been confirmed in manner aforesaid, the Collector of the District in which the land is situate shall put the person declared to be the purchaser into possession of the land, and shall grant him a certificate to the effect that he has purchased the land to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such land, but need not be stamped or registered as a conveyance.

Certificate of purchase.

If the land has been sold on account of an arrear due on it, the certificate shall also state that it has been sold free of all incumbrances other than the farms and leases mentioned in section one hundred and sixty-seven.

Bar of suit against certified purchaser.

184. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought, whether in a Civil or Revenue Court, against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Application of proceeds of sale.

185. When a sale of land under this Act has been confirmed, the proceeds of the sale shall be applied in the first place to defraying the expenses of the sale and to the payment of any arrears due in respect of such land at the date of the confirmation of such sale, and recoverable as an arrear of land-revenue,

and the surplus (if any) shall be paid to the person whose land has been sold;

or, if the land sold were held in shares, then to the co-sharers collectively, or according to the amount of their recorded interests, at the discretion of the Collector of the District.

Surplus not to be paid to creditors, nor retained by

186. Such surplus shall not (except under an order of a Civil Court) be payable to any creditor of the person whose land has been sold, nor shall it (except under

Government, except under order of Court.

under a like order) be retained in the Government Treasury.

Liability of purchaser for revenue.

187. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land-revenue becoming due in respect of such land subsequently to the date of the confirmation of the sale.

Pre-emption by co-sharers when land sold is a pattí of a mahál.

188. Where any land sold under section one hundred and sixty-six is a pattí of a mahál, any recorded co-sharer, not being himself in arrear with regard to such land, may, if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid:

Provided that the said demand of pre-emption be made on the day of sale, and before the officer conducting the sale has left the office for the day, and provided that the claimant fulfil all the other conditions of the sale.

Payment under protest and suit for recovery.

189. Whenever proceedings are taken under this chapter against any person for the recovery of any arrear of revenue, he may pay the amount claimed under protest to the officer taking such proceedings,

and upon such payment the proceedings shall be stayed,

and (subject to the pecuniary limitations prescribed by law) the person against whom such proceedings were taken may sue the Government for the amount so paid in any Civil Court situate in the district where such proceedings were taken;

and in such suit, the plaintiff may, notwithstanding section one hundred and forty-nine, give evidence of the amount which he alleges to be due from him.

Proprietor of mahál attached, &c., holding sír-land therein, to be recorded as expropriatory tenant.

190. Any proprietor of a mahál or portion of a mahál that is attached, transferred, held under direct management, farmed, or sold under the provisions of this Act, who may hold sír-land in such mahál or portion, shall be recorded as an expropriatory tenant of such sír-land; and the rent to be paid by him for such land shall be fixed by the Collector of the District or Assistant Collector accordingly.

191. If

191. If the term for which any settlement has been made expires before a new settlement is made, all persons with whom a settlement has been made, who continue after the expiration of such term to occupy the land comprised in the expired settlement, shall, until a new settlement is made, hold the said land upon the conditions of the expired settlement.

Tenure of land under expired settlement until new settlement is made.

In all cases the existing record-of-rights shall remain in force until a new record-of-rights is made.

Existing record-of-rights.

192. The provisions of this Act with regard to the recovery of arrears of revenue shall apply to all arrears of land-revenue and sums of money recoverble as arrears of land-revenue and due when this Act comes into force.

Provisions applied to arrears due at commencement of Act.

CHAPTER VI.

Court of Wards.

193. The Board shall have the powers of a Court of Wards for the superintendence of the persons and property of all proprietors of mahâls or parts of mahâls who are disqualified for the management of their own lands, or who are put under the charge of the Collector of the District by order of a Civil Court under the provisions of any Act for the time being in force.

Board to have powers of Court of Wards.

194. Proprietors shall be held disqualified to manage their own lands when they are—

Proprietors when disqualified for management of their lands.

(*a*) females deemed by the Local Government incompetent to manage their estates;

(*b*) minors;

(*c*) idiots;

(*d*) lunatics;

(*e*) persons otherwise rendered incapable by physical defects or infirmities from managing their own estates;

(*f*) persons convicted of a non-bailable offence and disqualified, in the opinion of the Local Government, by vice or bad character, from managing their estates;

(*g*) persons

(*g*) persons declared by the Local Government, on their own application, to be disqualified from managing their estates.

Power to Court of Wards to decline superintendence.

195. The Court of Wards may, in its discretion, assume or refrain from assuming the superintendence of the person or property of any disqualified proprietor, and may at any time release any person or property from its superintendence:

Proviso as to person or property placed under superintendence.

Provided that such person or property has not been placed under the Court of Wards by any competent authority, whose order is necessary for his or its release.

Collector to report what proprietors are disqualified.

196. The Collector of the District shall ascertain and report to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders under section one hundred and ninety-four;

and the Court of Wards shall, on receipt of the report of the Collector, make such order as may seem to it expedient.

Power to enforce provisions of this chapter without report.

197. Nothing in section one hundred and ninety-six shall prevent the Court of Wards or the Local Government from putting the provisions of this chapter in force without any report from the Collector.

Report to Government when Court of Wards' right of superintendence is disputed.

198. If, in any case not specially provided for by this or any other law in force for the time being, the right of the Court of Wards to assume or retain the superintendence of the person or property of a disqualified proprietor is disputed by such proprietor, or, if he be a minor, by some person on his behalf, the case shall be reported to the Local Government, whose orders thereon shall be final.

Appointment, removal, and control of managers and guardians.

199. The Court of Wards may appoint managers of the property of disqualified proprietors; and, if such proprietors be minors, idiots or lunatics, the Court of Wards may appoint guardians for the care of their persons, and may remove and control such managers and guardians.

Proprietors may appoint guardians for their heirs, if disqualified, by will executed and attested in manner

ner required by the Indian Succession Act, 1865; but such appointments shall not be valid till confirmed by the Court of Wards.

200. The Court of Wards may direct where all male minors under its jurisdiction shall reside for the purpose of education or otherwise.

Powers of Court of Wards as to male minors within jurisdiction.

201. The manager appointed by the Court of Wards shall have power to collect the rents of the land entrusted to him as well as all other money due to the disqualified proprietor, and to grant receipts therefor;

Powers of manager.

and he may, subject to the control of the Court, grant or renew such leases and farms, not being for a longer period than five years, as may be necessary for the good management of the property.

202. The manager shall manage the property committed to him diligently and faithfully for the benefit of the proprietor, and shall in every respect act to the best of his judgment for the proprietor's interest as if the property were his own.

Duties of manager.

203. The Court of Wards shall have power to give such leases or farms of the whole or parts of the property under its charge, and to mortgage or sell any part of such property, and to do all such other acts, as it may judge to be most for the benefit of the property and the advantage of the disqualified proprietors.

Powers of Court of Wards as to property under its charge.

204. The Court of Wards may exercise all powers conferred on it by this Act through the Collectors of the districts in which any part of the property of its Wards may be situated, or through any other person whom it may appoint for such purpose.

Exercise of their power by Court of Wards through others.

205. All disqualified proprietors whose property is in charge of the Court of Wards, and for whom guardians have been appointed, shall sue and be sued by and in the name of their guardians:

Suits by and against proprietors under guardianship.

Provided that no such suit shall be brought or defended by any such guardian without the sanction of the Court of Wards.

206. Every

Rules relating to managers.

206. Every manager appointed by the Court of Wards shall—

(*a*) give such security as the Court of Wards thinks fit, duly to account for what he shall receive in respect of the rents and profits of the property for which he is appointed;

(*b*) pass his accounts at such periods and in such form as the Court of Wards directs;

(*c*) pay the balance due from him thereon;

(*d*) apply for the sanction of the Court of Wards to any act which may involve the property in expense not previously sanctioned by such Court;

(*e*) be entitled to such allowance as the Court of Wards thinks fit for his care and pains in the execution of his duties;

(*f*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

CHAPTER VII.

Procedure of Revenue Courts.

Place for holding Court.

207. A Commissioner of a division may hold his Court at any place within his division that he thinks fit.

A Collector of a district, an Assistant Collector (whether in charge or not in charge of a sub-division of a district), or an Officer in charge of a Settlement or Assistant Settlement Officer, may hold his Court at any place within the limits of the district to which he is appointed.

A tahsíldár may hold his Court at any place within the limits of his tahsíl.

Power to summon persons to give evidence and produce documents.

208. Any officer mentioned in section two hundred and seven shall have power to summon any person whose attendance he considers necessary for the purpose of any investigation, suit, or other business before him.

All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct,

and

and to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

209. Every summons shall be in writing in duplicate, and shall be signed and sealed by the officer issuing it, or by such person as he empowers in this behalf,

Summons to be in writing, signed and sealed.

and shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

Mode of service.

210. If his usual residence be in another district, the summons may be sent by post to the Collector of that district, who shall serve it in accordance with the preceding section.

Service in district other than that of issuer.

211. Every notice under this Act may be served, either by tendering or delivering a copy thereof to the person on whom it is to be served;

Mode of serving notices.

or, if such person is a proprietor of land, to his agent,

or by affixing a copy thereof to some conspicuous place on the land to which such notice refers.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Notice not void for error.

212. In any suit instituted before any officer mentioned in section two hundred and seven, if either party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section one hundred and fifty-one.

Procedure for procuring attendance of witnesses.

213. Whenever any party to the suit or matter under investigation neglects to attend on the day specified in the summons, the suit or matter may be heard and determined in his absence, and an order passed by default, or *ex parte*, as the case may be.

Hearing in absence of party neglecting to attend, and order *ex parte* or by default.

214. No appeal shall lie from an order passed *ex parte*, or by default.

No appeal from order *ex parte* or by default.

But

Re-hearing on proof of good cause for non-appearance.

But in all such cases, if the party against whom judgment has been given appears either in person or by agent (if a plaintiff within fifteen days from the date of such order, and if a defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period), and shows good cause for his non-appearance, and satisfies the officer making the order that there has been a failure of justice, such officer may, upon such terms as to costs or otherwise as he thinks proper, re-investigate the case and alter or rescind the order according to the justice of the case:

Order not to be altered without summons to adverse party.

Provided that no such order shall be reversed or altered without previously summoning the party in whose favour judgment has been given to appear and be heard in support of it.

Mode of taking evidence in certain cases

215. In all cases coming under sections one hundred and one, one hundred and three, one hundred and twelve, one hundred and thirteen, one hundred and twenty-six, one hundred and forty-two and one hundred and forty-four, the evidence shall be taken down in full in writing in the language in ordinary use in the district, by or in the presence and hearing and under the personal superintendence and direction of the officer making the investigation, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the investigation, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

The Local Government may declare what shall, for the purpose of this section, be deemed to be the language in ordinary use in any district.

216. When

216. When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the district shall be made and shall form part of the record.

Taking evidence given in English. Translation to be on record.

217. In all cases other than those specified in section two hundred and fifteen, such officer may either cause the evidence to be taken down in full as aforesaid, or may make a memorandum in his mother-tongue of the substance of the evidence of each witness as the examination of such witness proceeds.

Taking evidence in other cases.

Such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

Memorandum to be in writing signed.

218. All decisions under this Act shall be written by the officer passing the same in his own handwriting, and shall be explained by him in open Court to the parties or their agents.

Writing and explanation of decisions.

Every hearing and decision shall be in open Court, and the parties or their authorized agents shall have due notice to attend.

Hearing and decision. Notice to parties.

219. Sections two hundred and twelve to two hundred and eighteen (both inclusive) shall apply to proceedings of a judicial nature in Revenue Courts.

Sections 212—218 to apply to judicial proceedings in Revenue Courts.

Reference to Arbitration.

220. A Commissioner of a Division, a Collector of a District, an Assistant Collector of the first class, an Officer in charge of a Settlement, or an Assistant Settlement Officer, may, with the consent of the parties, by order, refer any dispute before him to arbitration,

Reference to arbitration.

and an Officer in charge of a Settlement or an Assistant Settlement Officer may, by order, refer any dispute before him to arbitration without the consent of the parties,

and a Tahsíldár invested with the powers described in sections one hundred and forty to one hundred and forty-four (both inclusive) may, with the consent of the parties, refer to arbitration any dispute arising before him respecting the matters mentioned in the same sections.

221. In

What to be specified in order of reference.

221. In referring any such dispute to arbitration, the officer making the reference shall specify, in the order of reference, the precise matter submitted to the arbitrators, and such period as he may think reasonable for the delivery of the award;

and he may from time to time extend such period.

Appointment of arbitrators.

222. The parties to the case may each nominate either one or two arbitrators, provided that each party shall nominate the same number;

and a third or fifth arbitrator (as the case may be) shall be appointed by the officer making the reference.

And in cases when an Officer in charge of a Settlement or an Assistant Settlement Officer refers a dispute without the consent of the parties, he shall, if they refuse to nominate arbitrators under the first paragraph of this section, nominate three or five arbitrators as he thinks fit.

Power to excuse arbitrator from serving and to call for nomination of substitute.

223. Every officer making a reference under this chapter may, on good cause shewn, excuse any person from serving as an arbitrator, and may call on the party who nominated such person to nominate another in the place of the person so excused.

Nomination of new arbitrator in place of one dying or failing to act.

224. If an arbitrator die, desire to be discharged, or refuse or become incapable to act, the party who nominated him shall nominate another person in his place.

Nomination by Collector when parties fail.

225. If in any of the cases provided for by section two hundred and twenty-three or section two hundred and twenty-four, any party fail for a week to nominate in manner aforesaid, the officer making the reference shall appoint some person to act as arbitrator.

Award.

The arbitrators shall determine and award concerning the matters referred to them for arbitration; and the parties disputing, and all persons claiming through them respectively, shall abide by and perform the award of the arbitrators.

Summoning parties to give evidence.

226. If the arbitrators require the presence of the parties, or any other persons whose evidence may be necessary, they shall apply to the officer making the

the reference, who shall summon such parties or persons;

and all such parties or persons shall be bound to attend, either in person or by agent, as the arbitrators may require, and to state the truth and to produce such documents and other things as may be required before the arbitrators.

Obligation of persons summoned.

227. The award shall be made in writing under the hands of the arbitrators, and shall be submitted by them to the officer making the reference, who shall cause notice to be served on the parties to attend and hear the award.

Preparation and submission of award.

228. The officer making the reference may remit the award or any of the matters referred to arbitration to the re-consideration of the same arbitrators,

(*a*) if the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration;

(*b*) if the award is so indefinite as to be incapable of execution;

(*c*) if an objection to the legality of the award is apparent upon the face of the award.

In what cases award or subject of arbitration may be remitted to arbitrators.

229. No award shall be liable to be set aside except on the ground of corruption or misconduct of all or any of the arbitrators.

Grounds on which award may be set aside.

Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

Application to set aside.

230. If the officer making the reference does not see cause to remit the award or any of the matters referred to arbitration for re-consideration in the manner aforesaid,

and if no application has been made to set aside the award,

or if he has refused such application,

he shall decide in accordance with the award of the majority of the arbitrators,

and shall fix the amount to be allowed for the expenses of the arbitration and direct by and to whom, and in what manner, the same shall be paid.

Decision according to award.

231. Such

Bar to appeal and suit in Civil Court.

231. Such decision shall not be open to appeal, and shall be at once carried out;

and no Civil Court shall entertain any suit for the purpose of setting it aside or against the arbitrators on account of their award.

Enforcement of Decisions.

Execution of decisions.

232. Any officer mentioned in section two hundred and seven may execute all decisions made by himself or by an appellate Court on appeals in suits instituted in his Court under the provisions of this Act, in cases wherein a specific sum of money is adjudged to be due, or any costs or damages are awarded, by levying the same by any process in use for the recovery of an arrear of revenue or rent.

Delivery of possession of immoveable property.

233. In cases wherein possession of immoveable property is adjudged, the officer making the award may deliver over possession in the same manner, and with the same powers in regard to all contempts, resistance and the like, as may be lawfully exercised by the Civil Courts in execution of their own decrees.

Powers of Collectors.

Powers of Collectors of Districts.

234. Collectors of Districts may, in addition to their own powers, exercise all the powers conferred by this Act on Assistant Collectors.

Powers of Assistant Collectors in charge of sub-divisions.

235. An Assistant Collector in charge of a sub-division of a district shall, as such, have the following powers :—

(1.) To refer cases for enquiry or decision to his subordinates, under section eighteen :

(2.) To withdraw cases from his subordinates and to deal with them himself, or to refer them for disposal to any other subordinate officer competent to deal with them, under the same section :

(3.) To appoint patwáris on nomination of proprietors, under section twenty-five ; and in case of disagreement, under section twenty-six :

(4.) To appoint patwáris on failure of proprietors to nominate, under section twenty-seven :

(5.) To

(5.) To appoint a patwárí, if disqualified person be nominated by the proprietors, under section twenty-eight:

(6.) To order changes in the proprietary register, under section ninety-four and section ninety-five:

(7.) To levy fees for mutations, under section ninety-six:

(8.) To enquire into cases of reported transfers under section ninety-eight:

(9.) To levy fines, under section one hundred:

(10.) To declare the person best entitled to property, and put him in possession, under section one hundred and one:

(11.) To enquire into cases of disputed transfer of non-proprietary rights, under section one hundred and two:

(12.) To report on revenue-free holdings, and to assess revenue on resumed grants, under section one hundred and three:

(13.) To assess alluvial lands, under section one hundred and four:

(14.) To receive applications for partition, under section one hundred and nine:

(15.) To issue notification of partition, under section one hundred and eleven:

(16.) To hear objections to partition and disallow partition, under section one hundred and twelve:

(17.) To hear objections raising questions of title or proprietary right, and to decide them or refer them to arbitration, under section one hundred and thirteen:

(18.) To give parties the option of making partition, or of appointing arbitrators, or himself to make partition, under section one hundred and sixteen:

(19.) To make partitions, under sections one hundred and seven to one hundred and thirty-nine (both inclusive):

(20.) To fix the rent of land occupied by a building and the rent to be paid therefor, under section one hundred and twenty-four:

(21.) To

(21.) To fix the rent of land which a former co-sharer continues, after partition, to cultivate in another mahál, under section one hundred and twenty-five:

(22.) To adjust the use, charges and profits of tanks, wells, water-courses and embankments, under section one hundred and twenty-six:

(23.) To fix the land-revenue on divided portions, under section one hundred and twenty-eight:

(24.) To recover costs of partition, under section one hundred and twenty-nine:

(25.) To strike off a partition-case in default of payment of costs, under section one hundred and thirty:

(26.) To receive applications for, and carry out, the union of estates, under section one hundred and thirty-seven:

(27.) To fine for injuries to boundary-marks, and in certain cases apportion the charges of repairing boundary-marks, under sections one hundred and forty-two and one hundred and forty-three:

(28.) To call on owners to erect or repair boundaries, and, in default, to erect and repair and charge the cost to owners, and to decide disputes regarding boundaries, under section one hundred and forty-four:

(29.) To distrain and sell moveable property of defaulters, under section one hundred and fifty-three:

(30.) To fix the rent to be paid for their sír-land by proprietors of mahále which have been attached, transferred, held under direct management, farmed or sold under the provisions of this Act:

(31.) To exercise any other jurisdiction or authority which by this Act is expressly attributed to Assistant Collectors.

Powers of Assistant Collectors of first class not in charge of Sub-divisions

236. Assistant Collectors of the first class, not in charge of Sub-divisions of Districts, shall exercise all or any of the powers conferred on Assistant Collectors of the first class in charge of Sub-divisions, in such cases or class of cases as the Collector of the District

District may from time to time refer to them for disposal.

237. All Assistant Collectors of the second class shall have power to investigate and report on such cases as the Collector of the District or Assistant Collector in charge of a Sub-division of a District may, from time to time, commit to them for investigation and report.

Powers of Assistant Collectors of second class.

POWERS OF SETTLEMENT OFFICERS.

238. Officers in charge of a settlement may exercise all the powers conferred by or under this Act on Settlement Officers, but none but an officer in charge of a settlement or an Assistant Settlement Officer specially empowered by Government shall have power—

Powers of officers in charge of settlement.

(1.) To frame proposals for assessment, under section forty-five:

(2.) To distribute the assessment, under section forty-six:

(3.) To re-distribute land or revenue, under section forty-seven:

(4.) To exclude proprietors from settlement for refusal to engage, under sections forty-eight and forty-nine:

(5.) To adjust the rent of excluded proprietors, under section fifty-one:

(6.) To make a sub-settlement, under section fifty-four, and a settlement, under section fifty-five:

(7.) To make arrangements for securing the rights of persons with whom the settlement is not made, under section fifty-six:

(8.) To deal with waste-land, under sections fifty-seven to sixty-one (both inclusive):

(9.) To resume and assess rent-free tenures, under sections seventy-nine and eighty:

(10.) To resume and assess revenue-free land, under section eighty-six:

(11.) To decide claims to hold land revenue-free, under sections eighty-eight and eighty-nine.

239. All

Powers of Assistant Settlement Officers.

239. All other powers conferred on Settlement Officers by this Act shall be exercised by Assistant Settlement Officers under such restrictions as the officer in charge of a settlement may from time to time impose.

Investing of Settlement Officers with powers of Collector and Assistant Collector.

240. The Local Government may invest any Officer in charge of a Settlement with all or any of the powers of a Collector of a District under this or any other Act for the time being in force in the North-Western Provinces, and any Assistant Settlement Officer with all or any of the powers conferrible on an Assistant Collector under this or any other Act for the time being in force in the North-Western Provinces, within such limits, and with such restrictions, and for such period, as it thinks fit.

Matters excepted from cognizance of Civil Courts.

241. No Civil Court shall exercise jurisdiction over any of the following matters:—

(*a*) Claims by any person to any of the offices mentioned in sections twenty-four and thirty-three, or to any emolument appertaining to such office, or in respect of any injury caused by his exclusion therefrom:

(*b*) The claim of any person to be settled with, or

the validity of any engagement with Government for the payment of revenue, or

the amount of revenue, cess or rate to be assessed on any mahál, or share of a mahál under this or any other Act for the time being in force:

(*c*) Any claims connected with or arising out of any process enforced on account of neglect or refusal to accept the assessment or terms of sub-settlement proposed by the Settlement Officer:

(*d*) The formation of the record-of-rights,

the preparation, signing, or attestation of any of the documents contained therein, or

the notification of settlement:

(*e*) The determination of the class of a tenant or the rent payable by him, or the period for which such rent is fixed under this Act:

(*f*.) The

(*f.*) The distribution of the land or allotment of the revenue of a mahál by partition; or

the determination of the rent to be paid by a co-sharer for land held by him after the partition in the mahál of another co-sharer:

(*g.*) Any matters provided for in sections fifty-three to sixty-one (both inclusive):

(*h.*) Any matters provided for in sections seventy-nine to eighty-nine (both inclusive) and one hundred and three:

(*i.*) Claims connected with, or arising out of, the collection of revenue (other than claims under section one hundred and eighty-nine), or any process enforced on account of an arrear of revenue,

or on account of any sum which is by this or any other Act realizable as revenue:

(*j.*) Claims to set aside a sale for arrear of revenue other than claims under section one hundred and eighty-one:

(*k.*) Any matter falling within the jurisdiction of the Court of Wards, or on which the jurisdiction of that Court is actively exercised, except for the purpose of recovering property committed by that Court to the charge of the Collector of the District.

In all the above cases, jurisdiction shall rest with the revenue authorities only.

CHAPTER VIII.

APPEALS.

Appeal to Collector of District.

242. An appeal shall lie from any order passed by any Assistant Collector of the first or second class, whether in charge of a Sub-division or not, to the Collector of the District.

Appeal to officer in charge of the settlement.

An appeal shall lie from any order passed by an Assistant Settlement Officer to the officer in charge of the settlement.

Appeal to Commissioner of Division.

243. An appeal shall lie to the Commissioner of the Division from any order passed by the Collector of a District or an officer in charge of a settlement,

or

or from any declaration or distribution of assessment under section forty-five, forty-six or forty-seven.

Appeal to Board.

244. Subject to the provisions of section two hundred and forty-nine, an appeal shall lie to the Board from any order passed under this Act by the Commissioner of a Division.

Limitation of appeal.

245. No appeal under section two hundred and forty-two shall be brought after the expiration of thirty days from the date of the order complained of.

No appeal under section two hundred and forty-three shall be brought after the expiration of sixty days from the date of the order complained of.

No appeal under section two hundred and forty-four shall be brought after the expiration of ninety days from the date of the order complained of.

Time to be excluded.

246. In computing the period prescribed for an appeal under this chapter, the day on which the order complained of was pronounced, and the time requisite for obtaining a copy of such order, shall be excluded.

Admission of appeal after period of limitation.

247. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer or Board to whom or to which he appeals, that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order under this section admitting an appeal.

Saving of orders expressly made final.

248. Nothing in this chapter applies to orders expressly made final by this Act or to appeals under section one hundred and thirty-two.

Commissioner's order when not appealable, but subject to revision.

249. In any appeal to the Commissioner of a Division from an order passed by the Collector of the District or Officer in charge of a Settlement, on an appeal from an order of an Assistant Collector of the first or second class, or of an Assistant Settlement Officer, the Commissioner's order shall not be appealable, but shall be subject to revision by the Board under sections two hundred and fifty-three and two hundred and fifty-five.

250. The

250. The Appellate Court may either admit or summarily reject the appeal: *Powers of Appellate Court.*

If it admit the appeal, it may reverse, modify or confirm the order of the Lower Court,

or it may direct the Court to make such further investigation or to take such additional evidence as it may think necessary,

or it may itself take such additional evidence.

251. In any case in which an appeal is allowed, the Appellate Court may, pending the order on appeal, direct the execution of the order of the Lower Court to be suspended. *Power to suspend execution of order of Lower Court.*

CHAPTER IX.

MISCELLANEOUS.

252. Whenever a Court is closed on the last day of any period provided in this Act for the presentation of any memorandum of appeal, or for the deposit or payment of any money in or into Court, the day on which the Court reopens shall be deemed to be such last day. *Provision where Court is closed.*

253. The Board may call for and examine the record of any case, or the proceedings of any Revenue Court subordinate to it, for the purpose of satisfying itself as to the legality or propriety of any order passed, and as to the regularity of the proceedings of such Court. *Power of Board to call for and examine record of case or proceedings of subordinate Revenue Court.*

254. The Commissioner of a Division, or the Collector of a District, or the Officer in charge of a Settlement, may call for and examine the record or proceedings of any Revenue Court subordinate to him respectively, for the purposes mentioned in section two hundred and fifty-three; *Power of Commissioner, Collector, and Officer in charge of Settlement to call for records and proceedings.*

and if he is of opinion that the proceedings taken or order passed by such subordinate officer should be modified, cancelled, or reversed, he shall report the case with his opinion thereon for the orders of the Board. *Report to Board.*

255. If

Power of Board in cases called for or reported.

255. If in any case, whether called for by the Board or reported for orders, it appears to the Board that any order or proceedings should be modified, cancelled, or reversed, it may pass such order thereon as it thinks fit.

Power to Board to make rules.

256. The Board may, with the previous sanction of the Local Government, make and issue general rules for regulating the practice and procedure of their own Court, or of any Revenue Court subordinate to them, not otherwise provided for by law.

Power of Local Government to invest tahsíldárs with certain powers. To make rules.

257. The Local Government may invest any tahsíldár with the powers described in sections one hundred and forty to one hundred and forty-four (both inclusive), and may from time to time make rules consistent with this Act,

(*a*) for regulating the assessment of land gained by alluvion, or the decrease of the assessment of a mahál in consequence of diluvion;

(*b*) for the guidance of Settlement Officers in fixing rent under section seventy-one or section seventy-two and section seventy-four:

All such rules shall be published in the *North-Western Provinces Gazette*, and shall thereupon have the force of law.

Power of Board to make rules.

The Board, subject to the sanction of the Local Government, may from time to time make rules consistent with this Act, for

(*c*) prescribing the duties to be performed respectively by tahsíldárs, kánúngos, and patwárís;

(*d*) regulating the appointment of tahsíldárs and officers inferior to them in rank, their duties, punishment, suspension and dismissal;

(*e*) prescribing the manner in which Settlement Officers shall report for sanction the rates and method of assessment and the amounts they propose to assess;

(*f*) generally for the guidance of all persons in matters connected with the enforcement of this Act.

258. In

258. In Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*), section two shall be read as if, for the words "estates paying revenue to Government", the words "maháls assessed to revenue or held revenue-free," were substituted.

Amendment of Act XL of 1858.

259. If, while any suit or application under this Act is pending before a Settlement Officer, the settlement of the district in which the subject-matter of the suit or application is situate is closed by the issue of a notification under section thirty-seven, such suit or application shall be made over to the Court of the Collector of the District, and may be by him transferred or otherwise dealt with as if it had been originally instituted in or made to his Court.

Disposal of suits and applications pending before Settlement Officer when settlement is closed.

THE FIRST SCHEDULE.

I. The province of Kumáon and Garhwál.

II. The Terai Parganas, comprising—Bázpúr, Káshípúr, Jaspúr, Rudarpúr, Gadarpúr, Kilpurí, Nanak-Mattha and Bilherí.

III. In the Mirzápúr District:—

(1.) The tappás of Agori Khás and South Kon in the Pargana of Agori.

(2.) The tappá of British Singrauli in the Pargana of Singrauli.

(3.) The tappás of Phulwa Dudhi and Barhá in the Pargana of Bichipár.

(4.) The portion lying to the South of the Kaimor Range.

IV. The Family Domains of the Mahárájá of Benares, comprising the following parganas:—

Bhadohi and Kheyra Mángror in the Mirzápúr District,

Kaswá Rájá in the Benares District.

V. The tract of country known as Jaunsár Báwar in the Dehra Dún District.

THE SECOND SCHEDULE.

Amendments.	Repeal.	Amendi
Schedule of act VIII 1890.	Section 258 is repealed.	Schedul VIII

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

Part I.—Regulations.

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
II of 1795 ...	A Regulation for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue in the Province of Benares.	So much as has not been repealed.
V of 1795 ...	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	So much as has not been repealed.
VI of 1795 ...	A Regulation prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares.	So much as has not been repealed.
XIX of 1795 ...	A Regulation for forming a quinquennial Register of the Landed Estates in Benares, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.	So much as has not been repealed.
XLI of 1795 ...	A Regulation prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, &c.	The whole.
XLII of 1795 ...	A Regulation for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Altumgah, Jaghire and other Lands in the Province of Benares, exempt from the Payment of public Revenue, &c.	So much as has not been repealed.
LI of 1795 ...	A Regulation respecting ryotty Pottahs in the Province of Benares.	So much as has not been repealed.
LVIII of 1795 ...	A Regulation for granting to the Collectors a Commission on the Jumma of Lands, &c.	So much as has not been repealed.
XV of 1797 ...	A Regulation for levying certain Fees to defray the Expense of the Offices for keeping the Records in the Native Languages which relate to the public Revenue established under Regulations XXI, 1793, and XXX, 1795.	The whole, so far as it relates to the North-Western Provinces.

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SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
V of 1800 ...	A Regulation for extending to the Province of Benares the Rules contained in Regulation VII, 1799, for enabling Proprietors and Farmers of Land to realize their Rents with greater Punctuality: as well as such other Parts of the above Regulation as are applicable to the Province of Benares.	The whole.
VIII of 1800 ...	A Regulation for preparing a general Pergunnah Register of Lands; and for certain Alterations in the prescribed Registers of Estates paying Revenue, and Lands held exempt from the Payment of Revenue.	The whole, so far as it relates to the North-Western Provinces.
I of 1801 ...	A Regulation to explain and amend Part of the Rules for collecting the public Revenue contained in Regulations VII, 1799, and V, 1800, &c.	The whole, so far as it relates to the North-Western Provinces.
III of 1803 ...	A Regulation for receiving, trying and deciding suits or complaints, declared cognizable in the Courts of Adawlut, &c.	So much as has not been repealed.
V of 1803 ...	A Regulation for empowering the Sudder Dewanny Adawlut to try appeals, &c.	Section twenty-six.
XXIII of 1803.	A Regulation for establishing in each Zillah, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, an Office for keeping the Records in the Native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records.	The whole.
XXV of 1803.	A Regulation prescribing Rules for the Conduct of the Board of Revenue and the Collectors, &c.	The whole.
XXVII of 1803.	A Regulation prescribing the process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
XXX of 1803.	A Regulation prescribing Rules for the Grant of Pottahs by the Landholders, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to their Under-farmers, Tenants, and Ryots.	So much as has not been repealed.

SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
XXXI of 1803 ...	A Regulation for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Grants not being Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, &c.	So much as has not been repealed.
XXXVI of 1803	A Regulation for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, &c.	So much as has not been repealed.
XLII of 1803 ...	A Regulation for forming a periodical Register of the Zemindaries and other landed Estates, paying revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
LII of 1803 ...	A Regulation for establishing a Court of Wards in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
V of 1804 ...	A Regulation to provide for the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs; also to make further Provision for administering the Oath prescribed by the Statute 33rd Geo. III, Cap. 52.	So far as it relates to the appointment of Native Officers employed in the Land Revenue Department, North-Western Provinces.
VIII of 1805 ...	A Regulation for extending to the Conquered Provinces, &c.	So much as has not been repealed.
IX of 1805 ...	A Regulation for enacting into a Regulation certain Articles of a Proclamation to be issued in the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and in the Territory ceded to the Honourable the English East India Company in Bundlecund by the Peishwa.	The whole.
VI of 1806 ...	A Regulation for the more effectual Repair of Embankments.	So much as has not been repealed.

SECOND SCHEDULE—*continued.*

Number and year.	Title or abbreviated Title	Extent of repeal.
VII of 1807 ...	A Regulation for making certain Alterations in the Provisions which have hitherto been in force in the Province of Benares, respecting Persons paying or wishing to pay their Revenue directly to the Treasury of the Collector, instead of paying it through the Medium of a Tehseeldar.	So much as has not been repealed.
IV of 1808 ...	A Regulation for the Appointment and Administration of the Office of Canoongoe in the Ceded and Conquered Provinces, and in the Province of Benares.	The whole.
VIII of 1809 ...	A Regulation for modifying Parts of the Rules in Force respecting the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments.	So far as it relates to the Land Revenue Department.
V of 1812	A Regulation for amending some of the Rules at present in force for the Collection of the Land Revenue.	The whole, so far as it relates to the North-Western Provinces.
XVIII of 1812 ...	A Regulation for explaining Section II, Regulation V, 1812, and rescinding Sections III and IV, Regulation XLIV, 1793, and Sections III and IV, Regulation L, 1795, and enacting other Rules in lieu thereof.	The whole, so far as it relates to the North-Western Provinces.
XII of 1817 ...	A Regulation for securing the better Administration of the Office of Patwárí in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspore, and its Dependencies.	The whole, so far as it relates to the North-Western Provinces.
I of 1819 ...	A Regulation for replacing the Districts of Dinagepore and Rungpore under the Management of the Board of Revenue, &c.	The whole, so far as it relates to the North-Western Provinces.
II of 1819	A Regulation for modifying the Provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of Assessment under Illegal or Invalid Tenures, &c.	The whole, so far as it relates to the North-Western Provinces.
IV of 1821	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or Joint Magistrate, &c.	The whole, so far as it relates to the North-Western Provinces.

SECOND SCHEDULE—*continued.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
III of 1822	A Regulation for modifying the Constitution, and altering the Jurisdiction of the several Boards vested with the Superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.	The whole, so far as it relates to the North-Western Provinces.
VI of 1822 ...	A Regulation to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the Powers and Jurisdiction of the several Courts of Wards.	So much as has not been repealed.
VII of 1822 ...	A Regulation for declaring the Principles according to which the Settlement of the Land Revenue in the Ceded and Conquered Provinces, &c.	The whole, so far as it relates to the North-Western Provinces.
XI of 1822 ...	A Regulation for modifying and explaining the existing Regulations relative to the Sale of Land for the Recovery of Arrears of Revenue, &c.	The preamble and sections two and thirty-six.
IX of 1824 ..	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundlecund for a further Period of Five Years.	So much as has not been repealed.
IX of 1825 ...	A Regulation for extending the Operation of Regulation VII, 1822, &c.	The whole, so far as it relates to the North-Western Provinces.
XIII of 1825 ...	A Regulation to maintain the Settlement made for certain Lands held exempt from the Payment of Revenue by Canoongoes, in the Province of Behar, &c.	The whole, so far as it relates to the North-Western Provinces.
XIV of 1825 ...	A Regulation to declare the extent of the Authority possessed by the Revenue Authorities, subordinate to the Governor General in Council, in the Confirmation of Lakhiraj Tenures, &c.	The whole, so far as it relates to the North-Western Provinces.
III of 1828 ...	A Regulation for the Appointment of Special Commissioners for the more speedy Hearing and Determination of Appeals from the Decisions of the Revenue Authorities, &c.	The whole, so far as it relates to the North-Western Provinces.
IV of 1828 ...	A Regulation to declare and extend the Powers to be exercised by Collectors, when making or revising Settlements, under the Provisions of Regulation VII, 1822.	The whole, so far as it relates to the North-Western Provinces.
I of 1829 ...	A Regulation for constituting Commissioners of Revenue and Circuit, &c.	The whole, so far as it relates to the North-Western Provinces.

SECOND SCHEDULE—*continued.*

Number and year.	Title or abbreviated Title.	Extent of repeal.
IV of 1829 ...	A Regulation for modifying, in certain Cases, the Rules laid down in Clauses Fourth and Fifth, Section II, Regulation III, 1828, relative to Appeals to the Special Commissioners appointed under that Regulation; also for modifying part of Clause Second, Section X, Regulation I, 1829.	The whole, so far as it relates to the North-Western Provinces.
XI of 1829 ...	A Regulation for modifying the Rules in force relative to the Construction and Repair of Embankments.	The whole.
X of 1831 ...	A Regulation for vesting in a Deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive Control over the Revenue Affairs of the Province of Benares, &c.	The whole, so far as it relates to the North-Western Provinces.
IX of 1833 ...	A Regulation to modify certain Portions of Regulation VII of 1822, and Regulation IV of 1828, &c.	Sections two to fifteen, both inclusive.

PART II.—ACTS.

Act I of 1841 ...	An Act for facilitating the Collection of the Revenue of Government and defining the Interest intended to be conveyed by Public Sales for the Realization of Arrears of the Public Revenue in Putteedarry Estates.	So much as has not been repealed.
Act XII of 1841.	An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.	So much as has not been repealed.
Act I of 1845 ...	An Act to amend Act No. XII of 1841, entitled "An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue."	So much as has not been repealed.
Act VIII of 1846.	An Act for determining the Duration of the existing Settlement of the North-Western Provinces.	The whole, except as to the settlement of Banda.

SECOND SCHEDULE—*concluded.*

Number and year.	TITLE OR ABBREVIATED TITLE.	Extent of repeal.
Act I of 1847 ...	An Act for the Establishment and Maintenance of Boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXVI of 1854.	An Act for making better provision for the education of male minors subject to the superintendence of the Court of Wards.	The whole Act, so far as it applies to the North-Western Provinces.
Act XXXI of 1858.	An Act to make further provision for the Settlement of Land gained by alluvion in the Presidency of Fort William in Bengal.	The whole, so far as it relates to the North-Western Provinces.
Act XIX of 1863.	An Act to consolidate and amend the Law relating to the Partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	The whole, so far as it relates to the North-Western Provinces.

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Office Supdt. Govt. Printing.—No. 228 L. D.—15-1-73—3,400.

ACT No. XX of 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 30th December* 1873).

An Act to continue certain privileges and immunities now enjoyed by Prince Azím Jah Bahádur, as Prince of Arcot, to his sons on succeeding to the title.

Preamble.

WHEREAS by Royal Letters Patent, dated the second day of August 1870, under the Sign Manual, Her Majesty the Queen was pleased to confer the title of Prince of Arcot upon Prince Azím Jah Bahádur and his heirs, as in the said Letters Patent set forth; And whereas in view to maintaining the dignity of the said title, it is expedient to attach to it for some time to come certain privileges and immunities which by Act No. XXXVII of 1858 are personally attached to the said Prince Azím Jah Bahádur and to certain ladies members of the family of the late Nawáb of the Carnatic, and to prevent the risk of the Prince of Arcot for the time being involving himself in pecuniary liabilities; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Prince of Arcot's Privilege Act, 1873":

Local extent.

It extends to the whole of British India:

Commencement.

It shall come into force on the passing thereof;

Continuance.

And it shall remain in force so long only as the said title of Prince of Arcot is held by the said Prince Azím Jah Bahádur, or by one of his four sons in the said Letters Patent designated by name as follows:—

Muhammad Badí Ullah:
Ahmad Ullah:
Nur Ullah Míyán; and
Ghulám Muhíy-ul-dín.

2. No

Price one anna three pies.]

Bar of civil suits, &c., against holder for time being of title of Prince of Arcot, unless with consent of Madras Government.

2. No civil suit shall be commenced or prosecuted, and no civil writ or process shall be sued forth, in any Court against the person or property of the Prince of Arcot for the time being, unless such suit is commenced, or such writ or process is sued forth, with the previous consent of the Governor of For Saint George in Council, such consent to be certified by the signature of one of the Secretaries to the Local Government;

and any civil suit, writ or process commenced or sued forth against the person or property of any such person as aforesaid, without such consent certified as aforesaid, shall be null and void.

Prince of Arcot for time being to be incapable of contracting.

3. The Prince of Arcot for the time being shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

Office Supdt. Govt. Printing —No. 298 L, D.—5-1-74.—2,900.